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VOLUME XIII

"THE MINISTRIES CASE"

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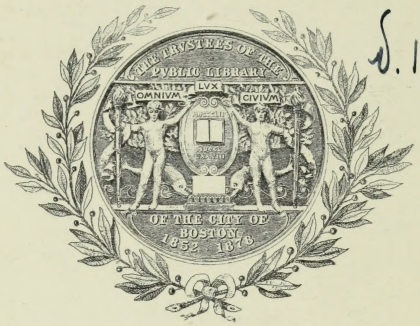

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TRIALS

OF

WAR CRIMINALS

BEFORE THE

NUERNBERG MILITARY TRIBUNALS

UNDER

CONTROL COUNCIL LAW No. 10

NUERNBERG

OCTOBER 1946–APRIL 1949

VOLUME XIII

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"The Ministries Case"

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VII. MURDER AND ILL-TREATMENT OF BELLIGERENTS AND PRISONERS OF WAR—COUNT THREE

A. Introduction

Eight of the defendants were charged under count three of the indictment, "War Crimes: Murder and Ill-Treatment of Belligerents and Prisoners of War" (pars. 27 and 28). Five different types of criminal activity were specified in the charges of this count—(1) the murder of captured Allied flyers; (2) the murder of members of Allied commando units; (3) the shooting of escaped Allied prisoners of war upon recapture—the so-called Sagan murders; (4) the murder of the French General Mesny; and (5) forced marches of Allied prisoners of war.

During the trial the prosecution withdrew its charges under this count against defendant von Erdmannsdorff. In its judgment, the Tribunal found three of the defendants—Dietrich, von Weizsaecker, and Woermann—not guilty on any of these charges. The Tribunal found four of the defendants guilty as follows: Lammers and Ritter under the charges concerning captured Allied flyers; Ritter and Steengracht von Moyland as to the Sagan murders; and Berger in connection with the murder of General Mesny *(sec. XV, vol. XIV)*. Upon a defense motion alleging errors of fact and law in the Tribunal's judgment, the Tribunal vacated its conviction of defendant Steengracht von Moyland under this count *(sec. XVIII D 2, vol. XIV)*.

In this section materials have been collected concerning two of the five types of alleged criminal activity—the Sagan murders (sec. B) and the case of General Mesny (sec. C). Materials concerning the treatment of captured Allied flyers and Allied commandos are included in the volumes of this series dealing with the High Command case (vols. X–XI), and material concerning the treatment of captured Allied flyers is also contained in the volume devoted to the Justice case (vol. III). Evidence on the treatment of belligerents and prisoners of war is also reproduced below in section IX (Atrocities) and section XI (Slave Labor).

B. The Sagan Murders

I. AFFIDAVITS OF DEFENSE AFFIANTS WESTHOFF AND ALBRECHT

TRANSLATION OF RITTER DOCUMENT 22
RITTER DEFENSE EXHIBIT 22

AFFIDAVIT OF ADOLF WESTHOFF, 31 MAY 1948, CONCERNING THE SHOOTING OF RECAPTURED BRITISH PRISONERS OF WAR FROM THE SAGAN CAMP, AND RELATED MATTERS[1]

I, Adolf Westhoff, at present at Nuernberg, having been informed that I make myself liable to punishment if I make a false affidavit, declare under oath that the following statement is true and was made in order to be submitted as evidence before the Military Tribunal IV at Nuernberg.

From February 1943 until the end of the war I was active in Prisoner-of-War Affairs [Department] of the Armed Forces High Command and later as Chief and Inspector until the end of the war. My last rank was that of a brigadier general.

I know of the escape of the British prisoners of war from Stalag Luft III in Sagan on 25 March 1944, during the time of my former activity. Some of the recaptured PW's were shot by the police on Hitler's orders already a few days after their escape.[2] Field Marshal Keitel had issued strict orders according to which it was prohibited to inform either in writing or by word of mouth any of the other civilian or military offices, especially the Foreign Office, of this incident. We were at that time unable to get any information at all from the Gestapo about these matters, especially concerning the number of men who had been shot and/or any details about it.

It was due to my cooperation that the British senior prisoner of Camp Sagan was sent to England as an exchange PW. Shortly afterwards Foreign Minister Eden informed the House of this incident, his declaration being obviously based on information which he had received from this senior prisoner of the PW camp. The Foreign Office was then given by the OKW the information we ourselves possessed. If they ever had any information from the Gestapo and whether it was correct is more

[1] Westhoff also testified as a prosecution witness. His complete testimony is recorded in the mimeographed transcript, 9 March 1948, pages 2923–2936.

[2] The Sagan shootings are discussed in the judgment of the IMT under the heading "Murder and Ill-Treatment of Prisoners of War." See Trial of the Major War Criminals, Vol. I, pp. 228–232, Nuernberg, 1947. The IMT stated, among other things, that "In March 1944, 50 officers of the British Royal Air Force, who escaped from the camp at Sagan where they were confined as prisoners, were shot on recapture, on the direct orders of Hitler."

than I can say. I happen to remember, however, that Hitler's answer, when it was finally published, was drafted by himself.

The escape from camp Sagan took place at a time when mass escapes of PW's were quite frequent. The number of PW's who escaped in 1943 amounted to—as I remember—something like 43 thousand. As established by the Wehrmacht, the greater part of them were organized mass escapes. There existed regular escape committees in the British PW camps which organized the escape attempts, drafted the plans which provided the PW's with money, maps, and all other escape material. It must be supposed that the PW's communicated with the foreign countries via the foreign civilian workers. There were also repeatedly found home-made radio sets in the camp.

After Eden's statement in the House of Commons I did not learn that any recaptured PW's had been shot. Document NG–2318, Prosecution Exhibit 1284[1] was submitted to me. This was a "warning to all PW's to refrain from all further attempts at escape." I came across such drafts occasionally also at that time. However, this matter was not handled in my office. I never saw such a warning later on when I made my inspection tours of the PW camps in which there were also British PW's.

My answer to the question of what my interpretation of this "warning" had been at that time, is that I saw in it merely a measure which aimed at preventing further escapes and at making impossible plant espionage and sabotage.

Nuernberg, 31 May 1948 [Signed] WESTHOFF

TRANSLATION OF DOCUMENT RITTER 21
RITTER DEFENSE EXHIBIT 21

AFFIDAVIT OF DR. ERICH ALBRECHT, CHIEF OF THE LEGAL DIVISION OF THE GERMAN FOREIGN OFFICE, 31 MAY 1948, CONCERNING THE SHOOTING OF FIFTY OFFICERS OF THE BRITISH AIR FORCE AND DIPLOMATIC DEVELOPMENTS WITH RESPECT THERETO[2]

I, Dr. Erich Albrecht, formerly Ministerial Dirigent in the Foreign Office, have been duly warned that I make myself liable to punishment if I make a false affidavit. As evidence for the Military Tribunal IV in Nuernberg, I declare the following under oath in accordance with the truth:

---

[1] Reproduced later in this section. The portion of the document in question was a proposed "warning" to be posted in prisoner-of-war camps which was transmitted by defendant Ritter to Albrecht, Chief of the Foreign Office Legal Division, on 5 August 1944.

[2] Albrecht also testified as a defense witness. His testimony is recorded in the mimeographed transcript, 4, 15–16 March and 28 October 1948; pages 2666–2686, 3260–3339, and 26673–26678.

In the case of the shooting of fifty officers of the British Air Force who had escaped from Camp Sagan, the Swiss Legation handed the Foreign Office a complaint from the British Government at the end of April 1944. The note was submitted to the Reich Minister of Foreign Affairs and I was told that I would have to wait for directives from the Minister for handling the matter.

At the middle of May, I was in Barcelona in order to direct the German side of an exchange of seriously wounded and seriously ill prisoners of war agreed upon with the British and American Governments, as well as of medical personnel and civilians. On the occasion of this exchange, the British officer who had been senior prisoner in Sagan was exchanged. A few days after my return from Barcelona, around 25 May, a younger official from Ribbentrop's circle of influence informed me by telephone of the latter's directive to come to Salzburg to work out a note in reply to the British complaint. Here I learned that Ribbentrop had requested the Reich Security Main Office to send two officials to Salzburg with the necessary documents regarding the incidents, and the OKW to send an officer of the Prisoner-of-War Department; however, they had not yet arrived.

Soon after my arrival, a discussion of the case took place in Ribbentrop's presence, in which Ritter and I took part. At the conclusion of the discussion, Ribbentrop authorized us to prepare the draft of a reply note to the Swiss Legation on the basis of the material which had been made available by the Reich Security Main Office and to submit it to him for approval.

A few days later, two officials of the Reich Criminal Police Office in Salzburg appeared and submitted photostatic copies of teletype messages or written reports in which the heads of a number of State Police Directorate offices in various parts of Germany reported about the shooting of individuals or of entire groups of prisoners of war escaped from Sagan. In the reports the statement was always made, either that the escapees had been shot in resisting recapture or in renewed attempts to escape after recapture. All the material created the impression of having been invented. When confronted with this, the officials of the Reich Criminal Police Office did not actually admit it in so many words, but did not dispute it seriously. After conferring with Ritter, I nevertheless prepared the draft of a reply note on the basis of this material, which Ritter submitted to the Minister with the urgent advice from both of us not to let such a reply be sent off. As Ritter told me, Ribbentrop came over to our point of view and retained the sole right to issue directives for the further handling of the matter.

In June I again took a business trip abroad, from which I returned on 21 June. It is possible that on the next day, 22 June, I was questioned as to the stage of handling of the Sagan affair with reference to a statement of Eden in the directors' conference; I cannot remember, at any rate. The information which I gave then must have corresponded with my present description, since I had heard nothing in the meantime regarding any further development. At any rate, it is impossible that I made the statement that the British would be sent a report that the escaped officers had to be shot, since they did not comply with the orders when they were captured; as mentioned above, Ribbentrop had already decided at our suggestion that a reply note should not be issued on the basis of the invented material of the Gestapo.

I consider the memorandum of Thadden under section 1 of his account of 22 June 1944—Document NG 3496, Prosecution Exhibit 1283—to be an erroneous summary of what I was able to answer at that time to the question about the stage of handling.[1] Nuernberg, 31 May 1948.

[Signed] DR. ERICH ALBRECHT

The above signature of Dr. Erich Albrecht was performed before me, Dr. Erich Schmidt-Leichner, defense counsel at the Military Tribunal in Nuernberg, and is hereby certified and attested by me.

Nuernberg, 31 May 1948

[Signed] DR. ERICH SCHMIDT-LEICHNER

2. CONTEMPORANEOUS DOCUMENTS

PARTIAL TRANSLATION OF DOCUMENT NG-2318[2] PROSECUTION EXHIBIT 1284

MEMORANDUM OF VOGEL, 25 MAY 1944, CONCERNING TELEPHONE CONVERSATIONS ON THE SHOOTING OF BRITISH PRISONERS OF WAR WITH SENIOR LEGATION COUNSELLOR SETHE OF THE FOREIGN OFFICE

Copy File OKW

Memorandum

Today I telephoned Senior Legation Councillor Sethe and pointed out to him that the memorandum of 20 May regarding

[1] Eberhard von Thadden testified as a prosecution witness in this case. His memorandum of 22 June 1944 to the Chief of Division Inland II of the Foreign Office is reproduced below in this section. Von Thadden's complete testimony is recorded in the mimeographed transcript, 3 March 1948, pages 2638–2664.

[2] Other parts of this exhibit are reproduced below in this section according to their dates.

the British officers who escaped from a prisoner-of-war camp contained under B, a sentence to the effect that "a provisional communication on the subject of mass escape and shootings resulting therefrom had been sent by the High Command of the Armed Forces to the Foreign Office on 29 April 1944." I requested Senior Legation Councillor Sethe to let me have a copy of this communication. Senior Legation Councillor Sethe said in reply that the communication in question had never reached the Foreign Office.

Upon instructions from Ambassador Ritter I telephoned Senior Legation Councillor Sethe once more and told him that this would have to be made clear to the High Command of the Armed Forces. Senior Legation Councillor Sethe also said he had made a copy of the communication of 29 April for himself at the High Command of the Armed Forces in Torgau. He said he would send this to us together with a copy of his correction to the High Command of the Armed Forces with the next courier.

Salzburg, 25 May 1944

[Signed] VOGEL

TRANSLATION OF DOCUMENT NG–3901
PROSECUTION EXHIBIT 1282

MEMORANDUM OF DEFENDANT RITTER, 5 JUNE 1944, CONCERNING HIS DISCUSSION WITH FIELD MARSHAL KEITEL ON THE DRAFT OF A NOTE TO THE SWISS LEGATION ON THE SAGAN MATTER AND THE TRANSFER IN CHAINS BETWEEN CAMPS OF CERTAIN BRITISH PRISONERS OF WAR

Copy [Durchdruck]

Ambassador Ritter

No. 359 [Handwritten] OKW

1. On 4 June Field Marshal Keitel informed me that he agreed to the draft of the note to the Swiss Legation regarding British prisoners of war. He asked why we wanted to inform the protecting power of the funeral beforehand. This had not been requested in the Swiss note. I replied that on a previous occasion Switzerland had requested this and that the commander of Sagan, Colonel Braune, had agreed to it. Keitel then also agreed.

[Marginal note] To be submitted: State Secretary, Minister Albrecht. [Initial] A [Albrecht] 5 June.

2. On this occasion Field Marshal Keitel informed me of the following:

A few days ago the British officers' camp near Moravska Ostrava had to be vacated and transferred to Brunswick, since the

camp in Moravska Ostrava is needed for other purposes. The prisoners of war were transported from the station in Moravska Ostrava to the station in Brunswick in chains. The reason for this was that prior to the transport it had already been discovered that the officers intended to make use of the opportunity afforded by this train journey and escape. This intention had also been expressed in letters which had been found. Several officers had already hidden themselves in the Moravska Ostrava camp days before, so that they would be left behind.

He intended to inform the Foreign Office of this, in case complaints were lodged with regard to the chaining.

Salzburg, 5 June 1944

Signed: RITTER

PARTIAL TRANSLATION OF DOCUMENT NG–5844 PROSECUTION EXHIBIT C–372

NOTE OF THE GERMAN FOREIGN OFFICE TO THE SWISS LEGATION, 6 JUNE 1944, CONCERNING MEASURES TAKEN WITH RESPECT TO THE SAGAN MATTER, AND NOTE OF THE SWISS GOVERNMENT TRANSMITTING THIS NOTE TO THE BRITISH LEGATION IN BERN

Copy[1]

Foreign Office

The Foreign Office is pleased to communicate the following to the Swiss Legation, Division of Foreign Interests,[2] in answer to the note of 26 May 1944—No. 743—relating to the escape of British officers from Stalag Luft 3:

A preliminary note was submitted to the Swiss Legation already on 17 April, that is shortly after the escape which took place on 25 March.

According to the investigations made meanwhile, it is certain that 19 out of the 80 prisoners of war who escaped at that time were taken back to the camp. While the hunt still continues at time of writing and the investigations have not been concluded as yet, there are preliminary reports on hand saying that 37 prisoners of war of British nationality were shot when they,

---

[1] This document contained a certificate of the Acting British Consul at Bern, dated 10 August 1948, attaching true and faithful copies of the German notes of 6 June and 21 July 1944, together with copies of the transmittal notes of the Swiss Government to the British Legation in Bern. The parts of the document concerned with the German note of 21 July 1944 are reproduced later in this section. The two German notes were in the German language and the two transmittal notes were in the French language.

[2] The German word "Schutzmachtabteilung" was frequently translated Protecting Power Division or Protective Division. Since the Swiss used the French words "Division des Intèrêts Étrangers," the translations herein have been conformed throughout to "Division of Foreign Interests."

brought to bay by the pursuing detachment, offered resistance or attempted a new escape after their recapture. Additional preliminary reports are on hand showing that 13 other prisoners of war of non-British nationality were shot after having escaped from the same camp.

The Foreign Office reserves the right to make a definite detailed statement after the conclusion of the investigation and as soon as the details will be known. As regards the British inquiry for the circumstance of the incident, the following can be said already:

Mass escapes of prisoners of war of different nationalities occurred in March from the prisoner-of-war camps scattered all over Germany. Several thousands of prisoners of war escaped during the month of March. These mass escapes, prepared systematically and with General-Staff-like measures [generalstabsmaessig] partly in connection with foreign countries, pursued political and military aims. They were an attack on the public security of Germany and were at the same time intended to paralyze the agencies of administration and police. In order to nip in the bud such rebellious ventures, especially severe orders were issued to the pursuit detachments detailed for the recapture of the fugitives—also for the protection of the pursuing detachments themselves. Accordingly, the pursuit detachments, within the compass of such a large scale pursuit action, have to launch a relentless pursuit of escaped prisoners of war who disregard a challenge while in flight or offer resistance or attempt to reescape after having been recaptured, and to make use of their arms until the fugitive is deprived of any possibility of resistance or further flight. Save some few hundreds who could not be discovered as yet, the prisoners of war escaped in the month of March have been recaptured and taken back to the camps. Arms had to be used against some prisoners of war. These include the 50 prisoners of war of Stalag Luft 3.

When dealing with such mass escapes and on account of the large scale pursuit actions throughout Germany necessitated thereby, any exact clarification of individual cases is difficult and takes time, the more so as the escaped prisoners of war have no identification papers or other personal documents on them, refuse to state their identities, or are in the possession of faked identity papers. This is the explanation of the fact that exact data cannot be gotten and reported to the protecting power with the usual expeditiousness. At the time of writing, the large scale pursuit action has not been concluded. As soon as this is the case, definite information will be forwarded to the Swiss Legation.

In compliance with a desire of the British camp spokesman of Stalag Luft 3, 29 urns containing the ashes of 29 shot prisoners of war have been brought to Stalag Luft 3 so far. As regards the time of the interment in the cemetery of Stalag Luft 3, the protecting power will be advised in advance.

Berlin, 6 June 1944
(stamp)

D.C. 102–J/Ro

Federal Political Department
Division of Foreign Interests

Subsequent to our note No. 28681, dated 9 June, the Federal Political Department, Division of Foreign Interests, is pleased to forward to H.M. Legation a note here inclosed which Baron von Steengracht, State Secretary in the German Foreign Office, handed over to the Swiss Minister in Germany in regard to the death of 50 officers of the Royal Air Force who had escaped from Stalag Luft 3 in Sagan.

In addition to the forwarding of this note, M. Feldscher states that M. Gabriel Naville again has gone to the Stalag Luft 3 for the 4th and 5th of June and will submit a special report on his visit.

Bern, 12 June 1944

Enclosure:

Copy of a note (1) to The Legation of His Britannic Majesty, Bern

TRANSLATION OF DOCUMENT NG–3496
PROSECUTION EXHIBIT 1283

MEMORANDUM FROM VON THADDEN TO THE CHIEF OF DIVISION INLAND II OF THE FOREIGN OFFICE, 22 JUNE 1944, CONCERNING FURTHER DEVELOPMENTS IN THE SAGAN MATTER AND OTHER MATTERS DISCUSSED AT A CONFERENCE OF DIRECTORS OF THE FOREIGN OFFICE

Legation Counsellor First Class von Thadden

The following points were brought up in today's conference of directors.

1. According to a statement made by Eden in the House of Commons it is expected that a decision [Stellungnahme] will be made with regard to the shooting of British prisoners of war who escaped from German prison camps. With regard to this, Herr Albrecht declared that the British had been informed via Switzerland that several British and other escaped officers had

to be shot in the course of search activities because they refused to submit to orders when captured. Nineteen other officers, who did not offer resistance, were taken back to the camp without further ceremony. Further details on the 50 cases of shootings will be submitted to the British.

2. The Consulate in Monaco sent a wire concerning the French national, Broussard. It was requested that Inland II check with the Security Service as to what is known about this man. During further discussions on this matter it was decided by the State Secretary [defendant Steengracht von Moyland] that the Political Division inform Minister Abetz of the Monaco report and instruct him to discuss this matter with Oberg, with the participation of Inland II.

3. The fact was brought out, as evidence against Turkey, that Eden was able to state in the House of Commons that chrome, on which an embargo had been placed for Germany, would now be exported to England.

4. Under State Secretary Hencke mentioned a particularly interesting report from Lisbon on the effectiveness of German secret weapons, which however was not distributed. I succeeded in securing one copy for the information of the Group Chief, which is attached to this letter.

5. Although it was not mentioned at the conference of directors, I nevertheless managed by accident to receive information that according to a wire from Stockholm a Swedish airline company was instructed to reserve a special plane for four Finnish delegates to Moscow. In his wire Thomsen requested not to disclose this information to the Finns in order to preserve the source of information.

Berlin, 22 June 1944

Herewith submitted to *Group Chief Inland II* for information.

[Initials] v. Th. [von Thadden]

22 June

To the files

[initials] v Th [von Thadden]

PARTIAL TRANSLATION OF DOCUMENT NG-2318 PROSECUTION EXHIBIT 1284[1]

MEMORANDUM OF BRENNER[2], 17 JULY 1944, SUBMITTED TO DEFENDANT RITTER, CONCERNING DECISIONS OF HITLER AND VON RIBBENTROP ON THE HANDLING OF THE SAGAN AFFAIR

Copy

Office of Reich Minister for Foreign Affairs

Subject: Stalag Luft 3

Submitted to Ambassador Ritter

Minister von Sonnleithner[3] stated on 15 July, regarding the memorandum to the Fuehrer dated 13 July, the following:

"The Fuehrer agrees to the note to the Swiss Legation regarding the escape of prisoners of war from Stalag Luft 3 and has furthermore approved the drawing up of a warning and publication of our note to the Swiss Legation.

"The Fuehrer was of the opinion that the warning also should be made public and was in agreement with the forwarding of this warning to the Swiss Legation."

End of message from Minister von Sonnleithner.

The Reich Minister for Foreign Affairs has accordingly decreed the following:

1. The Reich Minister for Foreign Affairs requests Ambassador Ritter to pass on to the Swiss envoy our second reply to the Swiss Legation regarding the escape of prisoners of war from Stalag Luft 3.

2. The Reich Minister for Foreign Affairs requests Minister Schmidt (Press), with regard to the publication of this note, to submit an appropriate draft to the Reich Minister for Foreign Affairs. In the press announcement the contents should also be briefly mentioned.

3. Furthermore the Reich Minister for Foreign Affairs requests Ambassador Ritter to cooperate with the OKW when composing the warning which is to be posted in the prisoner-of-war camps, and to submit it to the Reich Minister for Foreign Affairs for approval.

In addition to the suggestion in the Fuehrer's memorandum of 13 July—paragraph 2—the warning could perhaps also state

[1] Other parts of this exhibit are reproduced above and below in this section according to their dates.

[2] Legation Secretary Brenner was an official in the Office of the Reich Foreign Minister.

[3] Franz von Sonnleithner was an official in the Office of the Reich Foreign Minister, 1939–45. He appeared as a defense affiant and witness. His complete testimony is recorded in the mimeographed transcript, 26 August 1948, pages 18474–18499.

that in Germany there are certain "death zones" where very special secret weapons are tested; any person found inside any of these death zones will be shot at sight regardless of whether or not he saw anything of the secret activities. As there are numerous such zones in Germany, escaping prisoners of war would expose themselves—as well as to the danger of being mistaken for spies, saboteurs or enemy agents—to the danger of unwittingly entering one of these zones and being shot.
"Westphalia," 17 July 1944

Signed: BRENNER

Copy to Legationsrat Raykowski on account of paragraph 2.

PARTIAL TRANSLATION OF DOCUMENT NG–5844 PROSECUTION EXHIBIT C–372

NOTE OF THE GERMAN FOREIGN OFFICE TO THE SWISS LEGATION, 21 JULY 1944, DECLINING TO MAKE FURTHER COMMUNICATION WITH RESPECT TO THE SAGAN MATTER, AND NOTE OF THE SWISS GOVERNMENT TRANSMITTING THIS NOTE TO THE BRITISH LEGATION IN BERN*

Foreign Office — Berlin W 8
R 10 830 — Wilhelmstrasse 74–76

Note Verbale

The Foreign Office has honor in acknowledging to the Swiss Legation, Division of Foreign Interests, the receipt of the note dated 26 June—No. 983—concerning the escape of prisoners of war from Stalag Luft 3.

On 23 June, the British Foreign Secretary, without awaiting the result of the German investigations, made a declaration in this respect which the Government of the Reich most emphatically rejects. The Foreign Secretary of a country which started the bomb war against the civilian population, and which murdered tens of thousands of German women and children by terror attacks on places of residence, hospitals, and cultural institutions; which, in an officially printed "manual on modern irregular warfare" for "His Majesty's Service" literally orders its soldiers to use the methods of gangsters, as for instance to gouge out the eyes of defenseless enemies lying on the ground or to crush their heads with stones, must be denied the moral right to make a stand in this matter at all or to raise complaints against others.

* The German note of 6 June 1944 is reproduced earlier in this section under the same document and exhibit number.

In consideration of this unprecedented attitude of the British Foreign Secretary, the Government of the Reich declines to make further communications in this matter.

Berlin, 21 July 1944

To the Swiss Division of Foreign Interests in Berlin

Federal Political Department
Division of Foreign Interests

D.C. 102—CA/Ro

Subsequent to our note D.C. 102—J/Ro of 12 June (29012) relating to the death of 50 officers who escaped from Stalag Luft 3, the Federal Political Department, Division of Foreign Interests is pleased to forward to H.M. Legation the copy of a note R 10830 which was addressed to the Special Division of the Swiss Legation in Berlin by the German Foreign Office on 21 July 1944.

Bern, 25 July 1944

Enclosure:

Copy of a note (3) to The Legation of His Britannic Majesty, Bern

PARTIAL TRANSLATION OF DOCUMENT NG-2318 PROSECUTION EXHIBIT 1284*

MEMORANDUM FROM DEFENDANT RITTER TO ALBRECHT, 5 AUGUST 1944, TRANSMITTING AND COMMENTING UPON A DRAFT OF A "WARNING" TO BE POSTED IN PRISONER-OF-WAR CAMPS

Ambassador Ritter

No. 609

To Minister Albrecht

The enclosed version of the "warning" has now been approved by the Reich Minister for Foreign Affairs and the OKW. The Armed Forces Operations Staff is now passing the warning to the Propaganda Section of the OKW for translation. When the translation is completed, copies of the warning will be given to the Prisoners-of-War Section of the OKW for distribution to the camps.

The Foreign Office has not yet communicated this warning to the Swiss Government. The time of this communication must coincide with the time of the posting of the warning in the camps. I request you to contact the Prisoners-of-War Section of

* Other documents of this exhibit appear above and below in this section according to their dates.

the OKW with regard to this time and recommend that the wording of a note to the Swiss Government be submitted to the Reich Minister for Foreign Affairs for approval a few days in advance, so that the note is dispatched as soon as possible after the warning has been posted in the camps.
Westphalia, 5 August 1945

Signed: RITTER

[In Ritter's handwriting]
Megerle has received a copy simultaneously.
[Initial] R [Ritter]

[Enclosure]
Distributed by Major Kipp on 4 August 1944

L.

To all Prisoners of War

Escape from prison is no longer a game! Germany has always adhered to the Hague Land Warfare Convention and has punished recaptured prisoners of war only by disciplinary measures. Germany will adhere to the tenets of international law in the future as well. *England,* however, has carried the war beyond the honest fighting of the front-line soldiers into the occupied territories and even up to the borders of the Reich itself by using commando, terror, and sabotage units. In an English official secret instruction booklet, "Handbook of Modern Irregular Warfare," which was captured by us, the following paragraphs occur:

> "The times in which we fought according to the rules of competitive sports are over. Now *every soldier* has to be a *gangster* at the same time, and must, if required, use gangster methods.
>
> "The sphere of operations should always include the enemy country, every occupied country, and, under certain circumstances, such neutral countries as he can use as sources of supply."

Thus England has begun gangster warfare! Germany will protect her own territory, and especially her war industry and her supply installations for the fighting front. For this purpose restricted zones, so-called "death zones," have been created in which every nonauthorized person will be shot at sight. Escaped prisoners of war, who unwittingly happen to come upon such death zones, will lose their lives. Thus, they are in constant danger of being taken for enemy agents or terror troops. We therefore issue strict warning against further attempts at escape!

The escape from prisoner-of-war camps today is a damned dangerous undertaking. The chances of remaining alive while making your escape have been reduced to almost nothing. All police and guard details have received strict orders to use their guns against any alien who exhibits suspicious behavior.

Thus, escape from prison is no longer a game!

PARTIAL TRANSLATION OF DOCUMENT NG–2318 PROSECUTION EXHIBIT 1284

EXTRACTS FROM A MEMORANDUM OF MINISTER WINDECKER ON A CONFERENCE OF 21 NOVEMBER 1944, AND MEMORANDUM OF DEFENDANT RITTER TO WINDECKER, 8 DECEMBER 1944, RETURNING WINDECKER'S MEMORANDUM AND CRITICIZING MENTION THEREIN OF THE SAGAN SHOOTINGS ON THE GROUND THAT THE DOCUMENT WAS NOT CLASSIFIED AS TOP SECRET

I. Extracts from the memorandum of Minister Windecker on the first conference of the Prisoner-of-War Service of the Foreign Office held on 21 November 1944

Prisoner-of-War Service
G.d.K. No. 515/44

Highly confidential

*Memorandum** on the Conference of the Prisoner-of-War Service on 21 November 1944, 1100 hours, at the Conference Room 109a, Wilhelmstrasse 76

Before the conference began, Minister Windecker stated that the first conference of the Prisoner-of-War Service had only *inter office* importance, while other offices dealing with prisoner-of-war matters outside of the [Foreign] Office would also be invited to the following conferences. *Minister Schmidt* said that he had called this conference because the Reich Foreign Minister was especially interested in prisoner-of-war matters. For this reason the direction of all these matters is being consolidated within the Prisoner-of-War Service with Minister Windecker as Secretary General. The political indoctrination of prisoners of war, he continued, has furthermore become of prime importance inasmuch as the general treatment of PW's, after the evacuation of extensive territory, constituted the one element from which the office could still reap political and propa-

* The distribution list attached to this document, which is not reproduced here, shows that 41 copies of this memorandum were circulated to various persons in the Foreign Office, and among others to defendants Steengracht von Moyland and Ritter. A letter by Ritter concerning this memorandum is reproduced just below.

gandistic advantages. Since 1940, the Foreign Office worked with excellent results in the field of prisoner-of-war treatment. This work necessitated close cooperation with the military authorities which, as a whole, was a fruitful undertaking, but also led to various tensions during the actual working process. In order to smooth over similar difficulties which might occur eventually, Minister Windecker has now been appointed to take charge of all questions relating to prisoners of war. It follows from this that all departments of the Foreign Office dealing with these matters would now have to work in close contact with Minister Windecker.

* * * * * * *

After that Geheimrat Reinhardt who, as Minister Windecker expressed it, is "at the front" of the Prisoner-of-War Service, gave a survey of his activities. Upon suggestion of Geheimrat Hesse, he began his work with prisoners in August 1943 starting with the British sector. At first it was necessary to emphasize repeatedly the necessity and importance of treating the prisoners well, if only for the reason that complaints to the protecting power would have no foundation. It was also necessary to overcome a certain resistance on the part of the military authorities. The labor offices were convinced of the fact that the prisoners would do more and better work if they were treated well. He further said that the difficulties to be overcome in the care of the prisoners were great, since the camps and labor commands were often situated far away from any railroad connection points. The personnel was not always of the best caliber and it was difficult to influence them en masse. In many respects, Americans were to be treated differently from the British. They did not adjust themselves as easily to living in camps. On the other hand, it was easier to start a conversation with them once they had overcome the fear of their own counterintelligence. Escapes from the camps, so greatly feared by the military because they result in court martials, should often not be taken too seriously because they were partly made only in order to carry out a regulation which provided that there would be no promotion later on if not even an attempt at escape had been made. Therefore, such occurrences as in camp Sagan, in which 50 officers were shot after having made an attempt to escape, are extremely regrettable. Through such happenings, he said, months of propaganda work are reduced to nothing. For the same reason also disciplinary camps cannot be considered as appropriate.

* * * * * * *

End of the conference, 1230 hours.
Enclosed list of those present.[1]

Signed: WINDECKER

2. Memorandum of defendant Ritter to Minister Windecker, 8 December 1944, returning a copy of the memorandum of the conference of the Prisoner-of-War Service and commenting upon the mention in the memorandum of the Sagan Affair

Copy

Ambassador Ritter
No. 1034

To Minister Dr. Windecker

I am sending back to you the memorandum about the conference of the Prisoner-of-War Service No. 515.

The memorandum is very interesting. Since, however, the matters concerning prisoners of war are no longer under the supervision of the OKW but under the SS, I have no active interest in this matter. I therefore request that I be taken off the distribution list in the future and that you cease to invite a representative of my office to the conferences.

The sentence on page 8, "Therefore, such occurrences as in camp Sagan, in which 50 officers were shot after having made an attempt to escape, are extremely regrettable," should not have been written into a document which is not being treated as Top Secret matter.[2]

Berlin, 8 December 1944

Signed: RITTER
[Illegible handwriting]

3. TESTIMONY OF DEFENDANTS RITTER AND STEENGRACHT VON MOYLAND AND AFFIDAVIT OF DEFENSE AFFIANT KRAFFT

EXTRACTS FROM THE TESTIMONY OF DEFENDANT RITTER[3]

DIRECT EXAMINATION

DR. SCHMIDT-LEICHNER (counsel for defendant Ritter): Witness, please give us your personal data.

DEFENDANT RITTER: Karl Ritter, born 6 June 1883, at Doerflass. My education was the usual one—public school, high school, university. I studied law, history and geology. My first

[1] This list, not reproduced here, shows 35 persons as having been present at this conference. None of the defendants were present.

[2] Windecker's memorandum was marked "Highly confidential."

[3] Complete testimony is recorded in the mimeographed transcript, 12–16 July 1948; pages 11743–11897, 11907–12000, 12168–12270, and 12447–12524.

state examination I took in 1905. Since at that time I did not know what career to choose, I first of all worked for several years at the Cologne Newspaper, Koelnische Zeitung, in the Economic Department. Eventually I decided to enter the Colonial Service, and in 1909 I passed my second state examination, and until 1914 I worked in the Colonial Service. The first part of my service I served at the Reich Colonial Office in Berlin but the greater part of my career was spent in West Africa.

It so happened that by chance I was home on leave after a severe case of malaria when the war broke out in 1914, and until the middle of 1915 I was at the front lines as a volunteer. Because of my tropical illness I was declared unfit for further active service.

In 1915 I entered the Reich office for Interior, Berlin, and when economic matters were separated from the old Reich Ministry of Interior and a new Reich Economics Office was set up in 1917, I stayed at the new Reich Economics Office until 1919.

In 1919 I transferred to the Reich Finance Ministry. In these three Ministries I only worked on economic affairs. At the Ministry of the Interior I was concerned with food and raw materials. In the Reich Economic Office I was concerned with currency and credits, bank policy, and the same subjects still remained under my jurisdiction in the Reich Ministry of Finance. When the reparations became a matter of interest, I became special Referent on the question of reparations in the Ministry of Finance.

Until 1922 I stayed at the Ministry of Finance when I entered the Foreign Office. I did so for the following reason. The problems connected with the reparations were, first of all, considered as a purely financial matter by the Reich government in Berlin. Therefore, the Finance Ministry was the one to deal with all reparation questions. However, when it became evident that the problem of reparations was the nucleus of the foreign policy, and remained such until 1932, the Foreign Office had the desire as early as 1921 that I should be transferred to the Foreign Office, and so requested such transfer.

* * * * * * *

Q. The period of time from when the war broke out on 1 September 1939 until the time when you took over the position as liaison man for Ribbentrop in 1940 I can skip, because there have been no charges raised against you for that period; therefore, we don't have to go into the functions and missions you performed during that period. Before going into your activity as liaison man between Ribbentrop and Keitel, from which the prosecution has derived certain charges against you, I want first

to have you describe this position and your jurisdiction in this position. When were you given this assignment?

A. In October 1940. As far as I remember, that is. I had thought that it was only in the spring of 1941, but with the assistance of the documents I have convinced myself that this was an error and that I took over in 1940.

* * * * * * *

Q. I now turn to document book 40. That is the so-called Sagan case. Mr. Ritter, the prosecution maintains that concerning the escape of British officers from the Sagan camp, the Foreign Office was fully informed and prepared the diplomatic conciliatory notes to Switzerland as the protecting power, and you in particular are charged with having, as it says, permitted this policy of shooting escaped prisoners when recaptured. You are supposed to have issued a warning. We know that this escape of British prisoners took place on 25 March 1944, and the shooting only 1 or 2 days later. I would like to ask you first of all, when and how did you hear anything of this Sagan case at the time?

A. Ribbentrop asked me on the telephone one day whether I knew the British Foreign Minister Anthony Eden's statement made in the House of Commons concerning the shooting of escaped British officers. The date of this inquiry I cannot give from my own memory. The documents which have now been submitted make it possible for me to reconstruct that the date must have been on or about 25 May 1944. My memory does not coincide with this reconstruction. I would have assumed that it was about the middle of June. I told Ribbentrop that I did not know this statement. Thereupon Ribbentrop read it to me over the telephone and told me, "Ask Keitel urgently what he knows about it."

Q. Did you have the impression that Ribbentrop himself was not yet informed about the question?

A. Yes. I did have that impression on the telephone because if he had known more he presumably would have told me. I had the same impression later when I briefly discussed it again with him. I called up Keitel and noticed from Keitel's very first words that quite in contrast to his usual eloquence, Keitel was remarkably brief. He knew the Eden statement, and I had the impression that he was prepared for a telephone call from the Foreign Office. He just told me briefly, "Prisoners of war are subordinate to the Armed Forces High Command only for as long as they are in prisoner-of-war camps. When they have escaped, the Armed Forces High Command is not concerned with their recapture. That is a matter for the Security Service, and

its various subsections of police, traffic police, railway police, etc." As this brief information did not satisfy me, I asked him repeatedly what he knew, whether he didn't know anything else, but he just repeated these few sentences two or three times. It was obvious to me that Keitel knew more but didn't want to say more. I called up Ribbentrop again and told him that and Ribbentrop said "Then it's settled as far as you're concerned. If that is a Security Service and police matter, then I will ask Wagner"—that was his liaison man with Himmler—"to ask Himmler about it." That settled the matter for me for the time being. I am convinced that it would have been settled for me finally if, because of my readiness to help as a colleague and because of my conscientiousness—you can call it stupidity, if you like—I had not voluntarily later on intervened again in the matter.

Q. May it please the Tribunal, with reference to Keitel's reply which the witness just mentioned, I would like to refer to Ritter Exhibit 20, document book 2, page 15.[1] That is an affidavit by the former Lieutenant Colonel Krafft, an officer in the Prisoner-of-War Division of the OKW. Krafft says, and I quote, "In our division it was generally known that Keitel had strictly forbidden that the Foreign Office was to be informed about the instructions issued to the police and their consequences."

Mr. Ritter, after the British Foreign Minister had made a public statement in the House of Commons, then presumably a note from the protecting power must have come in before that?

A. That's possible, but on the other hand it may not be so.[2] I would like to say here that I do not believe that I will succeed in clearing up the whole connection and the chronological sequence on all these events because I'm not acquainted with them myself. The documents of the prosecution are so full of gaps that even on the basis of the documents I cannot reconstruct the actual sequence of events. After all, I didn't handle the matter, as later documents show. The head of the Legal Division, Albrecht, was *ad hoc* on this occasion called twice to Salzburg. He handled the matter. I was only consulted sporadically later on, and I was therefore not acquainted with the chronological sequence myself. I must limit myself to testifying about the few things I know about the case itself.

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[1] Reproduced at the end of this section.

[2] The Foreign Office rendered several notes to the Swiss Legation, Division of Foreign Interests. The Foreign Office note of 6 June 1944 is reproduced earlier in this section as a part of Document NG–5844, Prosecution Exhibit C–372. This note states further that "A preliminary note was submitted to the Swiss Legation already on 17 April, i.e., shortly after the escape which took place on 25 March." This document was put in evidence as a prosecution rebuttal document.

Q. May it please the Tribunal, I would like to refer to the affidavit of Mr. Albrecht with reference to this question. That is Ritter Defense Exhibit 21* in my book 2, page 19. How did matters develop, Mr. Ritter? You have just mentioned Mr. Albrecht.

A. Well, as far as I'm concerned, nothing happened for the time being. I only remember that one day Mr. Albrecht arrived in Salzburg. He was head of the Legal Division, and in answer to my question as to what he was doing in Salzburg he said that Ribbentrop had called him to Salzburg with reference to this case in order to handle it. A note from Switzerland as protecting power had come in, quoting an inquiry about the incident. Albrecht was living in the same hotel as myself. We ate our meals together and went for walks together, so it happened quite naturally that he told me about the development of the case as two colleagues who knew each other well will talk about their business affairs. During these conversations, as a precaution, alerted as a result of other incidents, I always attached importance to making it clear to Albrecht: "Albrecht, it's your affair. I have nothing to do with it but I am pleased to listen to what you want to tell me." Soon, two Security Service officials arrived from Berlin. They brought a number of telegrams from various parts of the Reich containing reports about the shooting of escaped prisoners of war, sent by the local police to a central agency in Berlin, I presume to the Reich Security Main Office or some other Berlin central agency. These telegrams indicated that at a number of places in Germany the prisoners of war had been shot, either while escaping or after their recapture when trying to escape once again. When Albrecht told me about these telegrams I said "Do let me see them," and at first sight I said: "Albrecht, that's a swindle." I tumbled to it because although these 12 to 15 telegrams outwardly, as far as the outer form went, were very carefully imitated to look like genuine telegrams, and all the outward formalities were accurately reproduced; the contents of the telegrams were so childishly simple; they all sounded so alike for all these 12 or 15 cases that to a halfway intelligent reader it was obvious that 12 to 15 agencies could not send in telegrams so identical in text. Concerning the further course of events my memory does not quite correspond to Albrecht's in his affidavit. I don't mean to say that I am in any way doubting Albrecht's testimony. I would like to say that, because for decades I have been taking quinine, I suffer from peculiar lapses of memory and, therefore, myself mistrust my own memory to a very large extent. As far

* Reproduced earlier in this section.

as I remember, Albrecht had already made a first attempt, on the basis of these telegrams, to dictate a reply and this he showed me. I said to Albrecht: "You're not going to be taken in by these forgeries, are you?" Or perhaps I said: "We"—we being the Foreign Office—"We can't take these as basis for a reply. You must tell Ribbentrop quite openly that that's a swindle and suggest that the Foreign Office get proper information from the RSHA, or whatever the proper agency is, which privately tells the Foreign Office all about it. Only then can we make up our minds how to treat the case for outward consumption." Albrecht immediately accepted the advice and I gave him a second piece of advice. He was not just to tell Ribbentrop about this verbally, but to take a draft along, prepared on the basis of these forged telegrams, and show it to him while reporting verbally so that Ribbentrop, on the basis of such a document, could see for himself that it was impossible like that. I made this proposal because of my own experience with Ribbentrop, that is, the experience that the easiest and quickest way to get him to make up his mind was to submit something to him in writing. Without anything in writing, it usually turned out to be an unbounded and endless conversation.

Albrecht followed this advice too, and that is where my memory again differs from that of Albrecht. As far as I remember, I said, "Go to Ribbentrop with this note and talk to him about it," and for that reason I even offered to accompany him, although it was absolutely clear between us that he was the responsible person. I offered to do it out of sheer kindness. Albrecht was a first-class lawyer when sitting at the desk, and I had a great deal of respect for him but he did not have the necessary force or eloquence to persuade other people or to contradict them decisively, and I wanted to help him. That is what I mentioned at the beginning when I said that I got into this thing on my own account because of wanting to help a colleague after being excluded completely before.

Albrecht's version is different. In his affidavit he is of the opinion that no oral report was made to Ribbentrop but that a written report in which both of us told Ribbentrop, on the basis of these obviously forged telegrams from the Security Service, that we tried to draft a note but found it impossible to send off this draft. It was all a swindle and we suggested that he authorize the Foreign Office to ask the Reich Security Main Office, or whatever was the competent agency, to ask for actual facts of the case. Ribbentrop approved that and the RSHA was asked, through channels unknown to me—I suspect Albrecht did it either verbally or in writing—they were told, "It's a swindle.

We want the true facts." As far as I remember, Albrecht sat around Salzburg for weeks without doing anything and waited for this statement of facts. He made repeated attempts to go back to Berlin because his sense of duty did not allow him just to accept the fact of sitting idly around Salzburg. I told him a thousand times, "Albrecht, stay here. If you ask Ribbentrop for permission to go back I will ask Ribbentrop not to let you go, because if you go then I will get stuck with the thing. You are the person responsible, not me, quite apart from the fact that I don't know anything about international law."

Q. So the outcome was that Ribbentrop allowed himself to be convinced and did not send off a note?

A. Correct.

Q. I'd just like to clear up some small formality, Mr. Ritter. You mentioned these telegrams and mentioned the SD. I presume that you don't meant it in the technical sense. I suppose it's possible that it was the Reich Criminal Police Office?

A. Even now I haven't the faintest idea what the Reich Security Main Office is, and that name you mentioned just now I hear for the first time. I have no idea what the distinction is between the Security Service or Criminal Police. I just mean this whole set-up of police.

Q. Was there not a representative of the OKW, Lieutenant Colonel Krafft, in Salzburg at that time, whose affidavit I have referred to?

A. Yes. I had quite forgotten about Krafft's visit but after reading Krafft's affidavit I remembered about it again, although not in great detail. At about that time, Admiral Buerkner called me up, the Chief of the Foreign Division [of Intelligence Department] of the OKW, and told me there that Lieutenant Colonel Krafft would visit me, without saying what he was coming to see me about. I asked Buerkner, "What is he coming about?" But he gave me to understand that he couldn't discuss it on the telephone. When Krafft came to see me in my hotel room and told me what it was all about, I called in Albrecht. According to my somewhat vague memory, Krafft, however, could not give us any concrete new facts. Except that, 2 or 3 months earlier, a perfectly horrible act had taken place, in the course of which 46—not 50—46 British officers had been shot. That was nothing new to me at that moment in so far as from the forged police telegrams I had gathered the same thing. But as for how and when and at whose orders that was done, Krafft, as far as I could remember, couldn't tell us anything either.

* * * * * * *

EXTRACTS FROM THE TESTIMONY OF DEFENDANT STEENGRACHT VON MOYLAND[1]

DIRECT EXAMINATION

DR. HAENSEL (counsel for defendant Steengracht von Moyland): Witness, please give us your full name.

DEFENDANT STEENGRACHT VON MOYLAND: Dr. Adolf von Steengracht.

Q. And where do you live?

A. In Nuernberg.

Q. And where is your residence?

A. In Moyland.

* * * * * * *

Q. And now, up to the time when you were appointed State Secretary[2], did you remain technical chief of field headquarters and deputy chief of the adjutant's office?

A. Yes. I remained in that same capacity up to the time when I was appointed to the position of State Secretary.

Q. And were you expected to do things or carry out duties in that capacity which were against your conscience?

A. No. I was not expected to fulfill any such duties. I was only in charge of purely technical affairs and in charge of a purely technical staff, and it was my endeavor to carry out my technical duties properly, as well as I could. In other respects, there were many things that I did hear of that did suit me and I also heard of many things that did not suit me. Whatever did not seem to me to be right—and of course, only within the close circle of my activity—I frankly and honestly notified Ribbentrop of it accordingly and I drew his attention to these things whenever I thought that a stop had to be put to some measure or other. And above all, I made it my duty to see to it that many people who were there whose lives were very hard indeed —I saw to it that these people found help and subsidy and that the manners observed by us remained on a decent level and that there was a sense of fellowship between us.

* * * * * * *

Q. Mr. von Steengracht, why did you become State Secretary? We had mentioned Ribbentrop's suggestion.

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[1] The complete testimony is recorded in the mimeographed transcript, 23–25, 28–30 June, 1 July 1948; pages 9751–9793, 9861–9962, 10060–10103, 10134–10163, 10184–10395, 10472–10524, 10552–10581, and 10618–10675.

[2] Steengracht's detailed testimony concerning his activities in the Foreign Office before he became State Secretary in 1943 has been omitted. Steengracht testified that he had been agricultural attaché and later a member of the Protocol Division at the German Embassy in London; that about October 1938 he was recalled to Berlin and assigned to the Protocol Division there; that after the war began he was put in charge of the management of the train which was von Ribbentrop's "field headquarters."

A. Ribbentrop, as I said, thought that I was the man who would be ready mainly to fight out his competency quarrels for him and he also thought that I was not ambitious to cross his path with Hitler in any way, that is, try to gain Hitler's sympathy for myself. On the other hand, he knew that I was independent and that neither the Party, nor the SS, nor any other organization, could offer me any advantages. So he considered me to be a man who, so far as one could be free at all in the Third Reich, had preserved his freedom.

* * * * * * *

Q. When did you enter office?

A. I took office only about 5 weeks later, on 5 May 1943.

Q. What was the cause of this delay? The appointment was for 30 March, wasn't it, and you started work on 5 May 1943?

A. The long interval is first explained by the fact that Mr. von Weizsaecker had been State Secretary for a long time* and was liquidating his affairs in Berlin, and I had to turn over my technical operations to other people and had to arrange other matters so that these 5 weeks passed by.

Q. What special instructions did Ribbentrop give you when you left the field headquarters?

A. When I left the field headquarters, Ribbentrop told me what my assignments would be. In the course of that talk we had had that time in the train, between Breslau and Salzburg, he had already told me, as a matter of principle that he wanted to consider whether, after what had just taken place, after I had quite clearly told him that in many things I would under no circumstances execute his orders, that he must think things over and that he would either appoint me to become State Secretary or that I would be shot. When I was ordered to Berlin I demanded once again to receive clear instructions what I was supposed to do and what he imagined my sphere of tasks to be. He said, "Your sphere of tasks includes three points: You must handle routine contacts with diplomats in Berlin; you must maintain discipline in the Foreign Office; and you must protect the competencies of the Foreign Office toward all agencies, with ruthless energy." These were the definitely prescribed assignments he gave me. I told him that I presumed that in political respects, too, I would have a voice. Ribbentrop declined that absolutely, saying that that had been the old battle with Mr. von Weizsaecker—he had always tried to interfere in politics; but politics was exclusively the concern of Hitler and himself (Ribbentrop). The Foreign Office and myself were just to carry out the orders we received. That was my sphere of tasks.

* Defendant von Weizsaecker was State Secretary from the spring of 1938 until he was succeeded by defendant Steengracht von Moyland.

DR. HAENSEL: I would like to refer to my document book 7, Documents 119 and 120, and to Document 118[1] in the same book.

Q. Did you have any time to get used to the routine of your office?

A. No. You must consider that it was the end of the fourth year of war. At that time conditions were very hectic. It was impossible then anymore to make any long term dispositions arrangements. So, on 4 May, in the evening, I arrived in Berlin. On 5 May I went to Mr. von Weizsaecker and he handed over to me the office in a quite short informal discussion, without my having been shown or told anything. He opened the safe, gave me the keys of the safe, which contained an old secret document, quite without interest, and the whole safe contained 59 marks. For the rest, he asked me especially to see to our relations with the Papal Nuncio, not to let our contacts with Canaris break off, and to look after the old officials as well as possible. That is all that Mr. von Weizsaecker told me. I received no further instructions or introduction.

Q. At that time did he also tell you about the basic principles of his resistance work and introduce you into this, more or less as his successor?

A. No, he did not.

Q. Did you now sit down at your diplomatic desk and read the most important documents?

A. No. I had no time for that. I sent for the departmental chiefs and asked them to inform me about the current affairs and I started my routine work.

* * * * * * *

Q. Now we come to document book 40 which concerns the shooting of the Sagan airmen. Please look at Document NG–3901, Prosecution Exhibit 1282,[2] at the beginning, at page 2 in your book. Did you see the document at the time? Exhibit 1282, in document book 40.

A. Again, there is no initial on it.

Q. But it says so in the index.[3]

A. But in the document it doesn't say "submitted" but "to be submitted." Whether it really was submitted is not shown.

[1] Documents Steengracht 119 and 120, Steengracht Defense Exhibits 119 and 120, were both affidavits of Andor Hencke, a Ministerial Director and Under State Secretary in the Foreign Office during the period when Steengracht was State Secretary. Document Steengracht 118, Steengracht Defense Exhibit 118, is an affidavit of Hans Schroeder, chief of the Personnel Division of the Foreign Office. These affidavits are not reproduced herein.

[2] Reproduced earlier in this section.

[3] Reference is made to the index to prosecution document book 40 where this document is described as a memorandum of defendant Ritter "submitted to Steengracht and Albrecht." This description is erroneous in the sense that the copy of the document submitted in evidence does not show that the original or any copy of the document was actually submitted to Steengracht.

This document—and I am speaking from a purely technical point of view—again shows that it was not submitted to me, because otherwise not only Mr. Albrecht would have initialed it but my initial would have to be on it too because this is obviously the original document.[1]

Q. Do you remember the case apart from the document?

A. The whole Sagan affair lay many months back; I did not know anything about the actual events. Many months later we, or at least I, heard of it through a statement by Mr. Eden in the House of Commons. That was the first knowledge I had of the whole affair.

Q. Well, now, on page 2 there is mention of a draft of a note to Switzerland. Did you make this?

A. No.

Q. Did you have any reason to doubt the accuracy of the reports—or to check up on them—which were made by the OKW and the Gestapo in this affair?

A. Of course, we could only send a note after we had inquired from the home agencies, in this case the OKW or the Gestapo, and obtained information from them as to what was actually at the bottom of it all. First of all, the draft of the note was based on this information. It says at the end, figure 1—

Q. Where are you quoting from?

A. Exhibit 1283.[2]

Q. Oh, I see, so you have got to 1283 now. I was still at 1282. However, what do you want to say about 1283?

A. It says—

Q. Excuse me for insisting, but where is this?

A. Exhibit 1283.

Q. Document book, page, and number, please?

A. Figure 1, page 1, of the original.

Q. What did you want to say?

A. I wanted to say that it states here how the note would have looked to start with. It would have reproduced the information given by the Foreign Office. Then it states that further details about the 50 shootings would be sent to the British, and I add now, depending upon the information we got from the home agencies.

Q. So you were entirely dependent upon the information of

[1] This is erroneous. The document submitted in evidence was a photostat of a copy marked "Durchdruck" (copy) at the top. Furthermore the copy ends with "gez. Ritter" (signed Ritter) in typewriting and bears no handwritten signature or initial of Ritter. This copy, however, does bear the handwritten letters "OKW" (High Command of the Armed Forces) and the handwritten initial of Albrecht, followed by a handwritten date "5/6" for 5 June.

[2] Document NG-3496, a memorandum of von Thadden, dated 22 June 1944, to the chief of Division Inland II of the Foreign Office. This document is reproduced earlier in this section.

these agencies. Now, do you remember that after the German collapse the murderers of the Stalag airmen were tried?

A. Yes, in Hamburg.

Q. Was anything said there about these reports?

A. They said there that the Chief of the Gestapo had given them special instructions to forge false reports for the Foreign Office.

DR. KEMPNER: I object to this question. How can this witness testify as to what happened after the war in some war crimes trials near Hamburg?

DEFENDANT STEENGRACHT: I have two newspaper excerpts here from which I collected my wisdom.

DR. KEMPNER: That is exactly what I mean.

JUDGE POWERS, Presiding: I think we had better stick to what the witness knows from personal contacts.

DR. HAENSEL: I beg your pardon. I am certain that the prosecution would not dream of doubting the correctness of newspaper reports. Was the note to Switzerland, which is mentioned in Exhibit 1282, sent out at all?

A. This note was certainly not sent.[1]

(Recess)

DR. HAENSEL: We had stopped with a discussion of Prosecution Exhibit 1283. That concerns itself with a director's conference. Do you have any clear recollection of this discussion?

A. I do not have a clear recollection of this conference of directors.

Q. Then, I would suggest that we do not go into this subject and the statements made by Albrecht at this meeting, but that we resort to the best evidence and let Albrecht clear it up.

A. The whole thing was handled by Ribbentrop at the field headquarters.

Q. Not by you?

A. No, not by me. As Albrecht said from the witness stand, this became a "Chefsache."[2]

Q. Let's go on to Document NG–2318, Prosecution Exhibit 1284,[3] to page 3 of the document, page 8 of the document book. Does this document show that you had nothing further to do with the matter?

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[1] At the time of this testimony, 29 June 1948, the Foreign Office note of 6 June 1944 to the Swiss Government had not yet been introduced in evidence. This note is a part of Document NG–5844, Prosecution Exhibit C–372, reproduced earlier in this section.

[2] "Chefsache," literally "matter for chiefs," means that the matter was to be handled secretly by a limited group.

[3] This exhibit consists of numerous separate but related documents, five of which are reproduced earlier in this section.

A. Yes. The form shows that I had no connection with it. It was a Chefsache which was handled at field headquarters.

Q. If you will look at page 12 in document book 40, that is pages 7, 8, and 9 of the original, page 12 in your document book. This is still Prosecution Exhibit 1284. There you are in the distribution list. Did you receive this document at the time?

A. Do you mean this matter for propaganda concerning PWs?

Q. Document book 40, Prosecution Exhibit 1284. It begins, "To all PWs. Escape from captivity is no longer a sport."

A. No, I did not see that document at the time. On page 8 of the original, one should make a dash across the page. The distribution list does not belong to the rest of it. It belongs to the next matter. That is misleading here in the German text at any rate.*

Q. At any rate you did not receive this document?

A. No.

Q. And the distribution list?

A. It does not belong to it.

Q. So there is no conclusion to be drawn from that?

A. No.

Q. We can now leave document book 40. We come to document book 41.

A. Only something further about this last exhibit on prisoners-of-war matters.

Q. What else do you have on your mind?

A. We have not yet dealt with the minutes of the meeting of the Prisoner-of-War Service?

Q. Did you have anything to do with the Prisoner-of-War Service?

A. I did have something to do with the Prisoner-of-War Service, and I am proud of it because that was to a large extent my own invention, and the subjects which are brought up here show that we endeavored only to treat the people well.

Q. Before we go into this document perhaps I might point out that on page 17 of the document, page 22 in your book: "Therefore, such occurrences as in camp Sagan, in which 50 officers were shot after having made an attempt to escape, are extremely regrettable."

* The defendant refers to the fact that the distribution list to Minister Windecker's memorandum on the conference of 21 November 1944 was on a separate sheet preceding the memorandum itself—and that this distribution sheet followed the last page of the proposed notice to prisoners of war, a notice which was attached to defendant Ritter's memorandum of 5 August 1944 to Albrecht. This was made clear by the prosecution's index to the various items contained in Document NG–2318. With respect to Windecker's memorandum, this index states: "According to the attendance list (page 15 of the English translation, page 10 of the original), Ritter was represented by Minister Frohwein of his staff. According to the distribution list (p. 6 of the English translation, p. 1 of the original), these minutes were to be sent to Steengracht and Ritter."

953402—52——3

JUDGE POWERS, Presiding: Are you still talking about the last exhibit in document book 40?

DR. HAENSEL: I am speaking about Prosecution Exhibit 1284, page 17 of the document. That is in book 40. It says there, as I just quoted, that these incidents were regrettable. Does this show that the spirit motivating these things was quite different?

A. Yes. We all regretted this extremely and it was a terrible crime.

* * * * * * *

TRANSLATION OF RITTER DOCUMENT 20
RITTER DEFENSE EXHIBIT 20

AFFIDAVIT OF THEODOR KRAFFT, 16 MARCH 1948, CONCERNING THE SAGAN SHOOTINGS[1]

I, Theodor Krafft, residing in Arnsberg, Westphalia, have been duly warned that I make myself liable to punishment by making a false affidavit. I swear under oath that the following, to be submitted in evidence to Military Tribunal IV in Nuernberg, is true.

From autumn 1941 until the end of the war, I belonged to the Prisoner-of-War Affairs Department of the Armed Forces High Command as group leader, and from 1 October 1944 as division chief. In March 1944 I was Group Leader I in the general division under Colonel von Westhoff[2] as division head, and the former General von Graevenitz as Chief of Prisoner-of-War Affairs. My military rank at that time was that of a lieutenant colonel.

A short time after the escape of the British Air Force officers from camp Sagan—which was probably about 25 March 1944—Westhoff informed me upon returning from a conference with Keitel, that by order of Hitler the police had received orders to use their weapons ruthlessly when the escaped officers were captured. Westhoff's objection was rejected by Keitel with the remark that this order was already being carried out and any objection was useless.

It was a matter of general knowledge in our division that Keitel had strictly forbidden that the Foreign Office be informed

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[1] Krafft also executed an affidavit which was submitted in evidence by the prosecution as Document NO–3878, Prosecution Exhibit 1246, in connection with the Mesny murder. This affidavit and Krafft's testimony concerning it and related matters are not reproduced herein. Krafft's testimony is recorded in the mimeographed transcript, 15 March 1948, pages 3246–3256.

[2] An affidavit of Westhoff, Ritter Document 22, Ritter Defense Exhibit 22, is reproduced at the beginning of this section.

about the directive issued to the police and its consequences, although Colonel Westhoff had stressed the necessity of informing the Foreign Office.

We did not know in our office how the police had carried out Hitler's order in capturing the escaped air force officers. We merely received the report via teletype message that the British prisoners of war, designated by name, had been shot in flight by the police and/or for resisting capture. Several teletype messages concerning this came in, which contained groups of names in each case.

At about the beginning or the middle of May 1944, Privy Councillor Sethe from the Legal Division of the Foreign Office—a subordinate of Albrecht—appeared at our office in Torgau, obviously there (because of rumors about the incident which had cropped up in the meantime) in order to gather particulars about it. In view of the earlier strict order of Keitel not to divulge anything of the matter to the Foreign Office, Colonel Westhoff telephoned Keitel in my presence, in order to ascertain to what extent he could give Privy Councillor Sethe information. Keitel decided that Privy Councillor Sethe should receive information with regard to all the incidents known to the office. This is what happened, and one should observe that the details of the execution of the order were not yet known to us, either, even at this time.

In the week before Whitsuntide 1944, Keitel's order came into the office (Chief of Prisoner-of-War Affairs) by telephone that the specialist informed as to the Sagan incident should go to Salzburg immediately in order to be at the disposal of the representative of the Foreign Office there, for possible further inquiries. On the basis of this order, I departed for Salzburg, after we had previously authorized the commander of camp Sagan, Colonel Braune, to come to Salzburg as well, in order to be able to give information on local questions if the occasion should arise. We then had a discussion in the hotel in which Ritter and Albrecht were staying. I had the teletype message with me, by which we had been informed by the police about the incident. The gentlemen of the Foreign Office also had lists of names, from which I assume that they were police reports, similar to the ones we had received. A comparison of our lists showed that the names agreed. In comparing the names, it became evident that there were also a few names among them which seemed to indicate Polish or Czech origin, so that a doubt was created in the Foreign Office as to whether the bearers of these names had actually been British prisoners of war. I could subsequently explain that these were obviously Polish and Czech citizens, who, however, were in the service of the British Air Force. No note

of any sort was discussed or drafted in my presence. Although my activity was limited to clearing up the doubt mentioned, I nevertheless had the definite impression from our discussion that Albrecht as well as Ritter was outraged about the incident. Ambassador Ritter expressed among other things his displeasure that the Foreign Office had not been informed about this incident at the proper time. We did not know the exact details of the execution of Hitler's order even at the time of this discussion, for we were merely referred to the police reports.

Nuernberg, 16 March 1948

[Signed] THEODOR KRAFFT

C. The Mesny Murder

1. CONTEMPORANEOUS DOCUMENTS

TRANSLATION OF DOCUMENT NO-076
PROSECUTION EXHIBIT 1241

TELETYPE FROM HIMMLER TO NUMEROUS GOVERNMENT AND PARTY OFFICES, 28 SEPTEMBER 1944, CONCERNING TRANSFER OF CUSTODY OF PRISONERS OF WAR TO COMMANDER OF REPLACEMENT ARMY, TRANSFER BY HIMMLER OF AFFAIRS CONCERNING PRISONERS OF WAR TO DEFENDANT BERGER, AND RELATED MATTERS

Reich Security Main Office
Teletype Office

Received		Forwarded
Time Day Month Year	Space for	Time Day Month Year
by through	Receiver	to through
	Stamp	
	Telegram—	
	Radiogram—Tele-	
FS.—No. 190331	type—Telephone	

[All entries in the above table illegible]

KR SHDS NO 998 28/9 1400#—
Top Secret—
To SRFS TM 12: To SS Lieutenant General Pohl
To Race and Settlement Main Office
To SS Economic and Administrative Main Office

To Personal Staff—RF SS Berlin
To SS—Personnel Main Office
To SS General Heiszmeyer Bureau
To Reich Commissioner for the Strengthening of Germanism—Staff Headquarters
To Reich Commissioner for the Strengthening of Germanism—Main office for Repatriation of Ethnic Germans
To Reich Physician SS—and Police
To Chief of Communications
To Institute of Statistics and Research of Reichleader SS
To Mechanical Control Institute for the Maximum Utilization of Manpower [Maschinelles Zentralinstitut fuer die Optimale Menschen Erfassung und Auswertung]

1. The Fuehrer has, under 25 September 1944, ordered as follows:

"The custody of all prisoners of war and internees as well as the prisoner-of-war camps and installations with guard units are turned over to the commander of the Replacement Army[1] as of 1 October 1944. For all questions in connection with the carrying out of the treaty of 1929,[2] as well as for all the matters of the protective power and the societies for aid and all affairs concerning the German prisoners of war in enemy hands, the competence rests as before with the High Command of the Armed Forces. The details of the transfer and of the limitation of the mutual tasks are regulated by the Chief of the High Command of the Armed Forces in direct agreement with the commander of the Replacement Army and the component parts of the armed forces."

2. In my capacity as commander of the Replacement Army, I transfer all affairs concerning prisoners of war to the SS Lieutenant General and General of the Waffen SS, Chief of Staff of the Volkssturm,[3] Gottlob Berger.[4]

3. The generals in charge of prisoners of war in the separate military districts are subject to orders from the Higher SS Leaders from 1 October onward.

4. The question (subj. 3.) will be discussed by SS Lieutenant General Berger with the deputy commander of the Replacement Army, SS Lieutenant General Juettner, the question of the labor allocation of the prisoners of war with the SS Lieutenant General Pohl, the reinforcement of the security of the camps with the Chief of Security Police, SS Lieutenant General Dr. Kaltenbrunner.

---

[1] Himmler at this time was commander of the Replacement Army.

[2] Reference is made to the Geneva Prisoners-of-War Convention of 1929.

[3] People's Militia assembled during the latter stages of the war, resembling somewhat the wartime State Guard in the United States.

[4] Other contemporaneous documents concerning positions held and functions performed by defendant Berger are reproduced below in section IX.

5. Details of the transfer will be discussed by SS Lieutenant General Berger with Lieutenant General (Infantry) Reinecke.

6. All camps and labor detachments have to be at once examined with regard to security and prevention of any subversive attempts, and all appropriate measures have to be taken. In this connection I order at once that all the food tins being received in parcels by the prisoners of war have to be cut open on their arrival, as they very often contain messages or tools, and have to be handed out to the prisoner of war cut open and cut through in the middle. In cases of food tins saved by the prisoners of war this measure has to be carried out additionally.

Heil Hitler!

Signed: H. HIMMLER

PARTIAL TRANSLATION OF DOCUMENT NG-037 PROSECUTION EXHIBIT 1249

EXTRACTS OF 13 DOCUMENTS FROM FILES OF THE GERMAN FOREIGN OFFICE, 16 NOVEMBER 1944 TO 18 JANUARY 1945, CONCERNING THE MESNY MATTER

1. Memorandum from Defendant Ritter to Horst Wagner, 16 November 1944, transmitting von Ribbentrop's instructions on the Brodowski Matter

Top Secret

Ambassador Ritter

No. 999

To Senior Legation Counsellor Wagner[1]

To avoid uncertainty, I once more wish to state in writing that the Reich Foreign Minister instructed me on Saturday, 11 November, to pass on to you the charge of insuring that nothing should happen in the Br. [Brodowski] matter[2] before the Reich Leader SS or the SD has agreed with you about the modalities and possible later manner of reporting.[3] I was able to pass on this instruction to you on Sunday, 12 November, at 1730 hours.

[1] Horst Wagner was the chief of Department Inland II of the Foreign Office. He testified that "Inland II was a technical liaison department to maintain liaison between the Foreign Office and the agencies of the Reich Leader SS, with the Reich Minister of the Interior, and similar agencies." See the extracts from Wagner's testimony reproduced later in this section.

[2] Reference is to Major General Friedrich von Brodowski, a German military commander in France, who was killed by French resistance forces in November 1944. To avenge his death, Hitler ordered the reprisal killing of a French general of equivalent rank.

[3] Concerning von Ribbentrop's connection to the killing of General Mesny, the IMT stated in its judgment: "In December 1944 von Ribbentrop was informed of the plans to murder one of the French generals held as a prisoner of war and directed his subordinates to see that the details were worked out in such a way as to prevent its detection by the protecting powers." General Mesny was shot on 19 January 1945.

The instructions are therefore addressed to you and not to me. I have merely been instructed by the Reich Foreign Minister to pass the instructions on to you. The Reich Foreign Minister also told me to see that the instructions be duly carried out.

Berlin, 16 November 1944

[Signed] RITTER

[Handwritten] Kaltenbrunner, Thadden beginning 17 November.

2. Undated and unsigned file note of von Thadden, official of Department Inland II, concerning developments in the Brodowski Matter on 13 and 14 November 1944

Legation Counsellor First Class von Thadden, Inland II

With reference to the affair of Major General von Podowski [Brodowski] Senior Legation Counsellor Wagner instructed me on the morning of 13 November to arrange for a meeting on that very day between him, Ambassador Ritter, and SS Lieutenant General Kaltenbrunner.

Kaltenbrunner's adjutant's offices gave the telephone information that a meeting on that date was out of the question, in fact not possible before Tuesday, 1600 hours.

Ambassador Ritter declared that Mr. Wagner would have to decide personally whether or not this date would still be acceptable. On the afternoon of 13 November, Senior Legation Counsellor Wagner pronounced the date to be acceptable since he had already informed Kaltenbrunner of our request.

On 14 November early in the morning, I checked the hour of the meeting, 1600 hours, with Kaltenbrunner's adjutant's office. I was thereupon told that it would have to be 1630 hours but that they believed the conference was now superfluous since the Fuehrer's order concerning reprisals had in the meantime been annulled.

I immediately informed Ambassador Ritter who declared—

a. that the Fuehrer's decree could not possibly have been repealed, since General Jodl had stated this to him on the telephone only last night at 12 o'clock.

b. he, being senior in rank, did not mean to go to Kaltenbrunner. In the interest of the Foreign Office, Kaltenbrunner should come to him.

I informed Kaltenbrunner's adjutant's office without delay that the communication concerning the repeal of the Fuehrer's decree could not be correct. Having made inquiries, SS Major Malz stated that the Fuehrer's order had not been submitted to Kaltenbrunner but to the Chief of Prisoner-of-War Affairs, SS Lieutenant General Berger. SS Lieutenant General Berger was ill and

his personal adviser, SS Colonel Klump, in answer to my telephone inquiry replied that only Colonel Meurer[1] knew about the order. He would see to it that the latter rang me up at once.

After waiting in vain for the call, I myself rang up Colonel Meurer, who told me that the order, strangely enough, had not been sent to the Chief of Prisoner-of-War Affairs [defendant Berger] but to SS Lieutenant General Juettner.[2] The latter had asked the Chief of Prisoners-of-War Affairs to hold in readiness, for eventual measures of reprisals, a French general whose name he mentioned. Subsequently SS Lieutenant General Juettner had yesterday informed his office that the anticipated conference in this matter had now become superfluous, the Fuehrer having repealed his order. So far he had not heard of a new order. He therefore considered the incident closed.

On 14 November, 1610 hours, I passed on this information to Ambassador Ritter who asked to be connected by telephone with SS Lieutenant General Kaltenbrunner. This request was directed to the SS Lieutenant General's adjutant's office, which immediately agreed to comply with it.

3. File Note of Wagner, 18 November 1944, Submitted to von Ribbentrop through defendants Ritter and Steengracht von Moyland, concerning developments in the Brodowski Matter, noting that "the approximate date was provisionally set for 27–30 November", and transmitting enclosure

Group Inland II [Illegible Initials crossed out]

Notes for Verbal Report

I. Immediately upon receipt of the Reich Foreign Minister's directive in the case Brodowski, I contacted SS Lieutenant General Kaltenbrunner and asked him to do nothing without the approval of the Foreign Office. SS Lieutenant General Kaltenbrunner, on 12 November still unaware of a pertinent Fuehrer order, agreed.

II. It was found that, in transmitting the order, a number of points had been confused, which made it only today possible to establish who had actually been assigned to execute the order.

1. Field Marshal Keitel gave instructions to SS Lieutenant General Juettner without General Jodl's knowledge.

2. The adjutant of the Chief of the Wehrmacht Operations Staff issued a directive without General Jodl's knowledge.

[1] Fritz Meurer was chief of staff to defendant Berger. Extracts from Meurer's testimony are reproduced below in this section.

[2] SS Lieutenant General Hans Juettner, General of the Waffen SS, was permanent deputy to Himmler in Himmler's capacity as commander of the Replacement Army.

3. SS Major General Fegelein's deputy had promised Ambassador Hewel and General Jodl to send a telegram. For reasons unknown it was never sent.

Inland II spent 3 days in inquiries to find out from Juettner, Kaltenbrunner, and Berger who was assigned for this task.

On 17 November, SS Lieutenant General Kaltenbrunner notified me that he had just received the order, and requested me to come for a discussion, having also been instructed to contact the Foreign Office before taking action.

III. SS Lieutenant General Kaltenbrunner informed me this morning that he had to leave immediately, and requested me to discuss the matter with SS Senior Colonel Panzinger* [the following words are crossed out in the original: "in the presence of SS Major General Mueller"] as he was the one who had been assigned for the task. The discussion took place today.

IV. In pursuance of this conference, at which modalities, press announcements, and possible later investigation by the protecting power were discussed, SS Senior Colonel Panzinger will submit to us the proposal of the SD for comment. Reich Leader SS has ordered that no decision be made without the approval of the Foreign Office. To allow for technical preparations, the approximate date was provisionally set for 27–30 November. Rough outlines of the project are attached hereto [handwritten:] The final SD proposal will follow without delay.

Berlin, 18 November 1944

[Signed] WAGNER

Through Ambassador Ritter
and the State Secretary,

[Initial] R [RITTER] 18/11

[Initials] ST [STEENGRACHT] 18/11

Submitted to the Reich Foreign Minister

[Stamp]

Has been submitted to Reich Foreign Minister

[Handwritten] The Reich Foreign Minister has personally read these notes. 19 November 1944.

[Initial] SCH [SCHMIDT]

Enclosure:

a. Modalities—75 French generals are interned in Koenigstein camp. As can be seen from the dossiers, it has for a long time

* SS Oberfuehrer (Senior Colonel) Friedrich Panzinger at this time was Chief of Office V (Reich Criminal Police) in the Reich Security Main Office.

been intended to transfer these French generals, as Koenigstein is required for other purposes. So far this plan has not been carried out.

This transfer will now commence by a first batch of 5 or 6 French generals, each in a separate automobile, being taken to another destination. There will be a driver and a German one-man escort in each automobile. The cars will display Wehrmacht insignia. The two Germans in each car will wear Wehrmacht uniform. They will all be handpicked persons. During the trip, General de Boisse's car will have a breakdown, in order to separate it from the others. This will provide an opportunity of having the general killed by a shot aimed at his back, "while attempting to escape." The time proposed is dawn or dusk. There must be no local inhabitants in the vicinity. To play safe, in case there is an investigation, it is planned to burn the body and to take the urn to the cemetery of Koenigstein fortress. It would have to be decided whether or not the urn should be interred with military honors. A proper medical report, death certificate, and certificate of cremation must be obtained. A sketch of the scene of the incident and a detailed report will be prepared. There are no great objections against dispensing with cremation, but the question will be once more looked into in an internal SD discussion.

b. Press announcements—It will always seem suspicious that the fact of a French officer's attempted escape is given any press publicity at all. On the other hand, this step assures that the news of this measure, which is meant to be a reprisal also reaches the public. The text of the press announcement will be prepared after the question of modalities has been decided. Moreover, another check will be taken of the French general's traits of character. But otherwise the text of the communique will follow closely that of the Reuter message.

c. Investigation by the protecting power—The choice of participants and the preparation of all documentary evidence will assure that in the event of an investigation being demanded by the protecting power, such documents as are needed to bring about a dismissal of the case can be produced.

Berlin, November 1944

[Initial] W [WAGNER]

4. Note by Legation Counsellor Bobrick to Wagner, 20 November 1944, concerning a report from Dr. Wehrhahn of the Legal Division of the Foreign Office on the proprieties surrounding the burial of a general

Inland II B
Legation Counsellor Dr. Bobrik

[Handwritten] please discuss

Dr. Wehrhahn (of Legal Division) informs me that, as a prisoner of war, a general is buried with military honors regardless of whether he is a French, British, or American prisoner of war. The fact that we have an armistice with France does not alter this. As an attempt to escape is not dishonorable, it would make no difference if the general were shot while attempting to escape.

This has no bearing on the question of admitting a priest. Prisoners of war are on principle entitled to the free practice of their religion.

SS Senior Colonel Panzinger was informed by telephone.

Submitted to Group Leader Inland II.

[Initial] W [WAGNER]

[Handwritten] to be filed, 30 November

Berlin, 20 November 1944

[Signed] BOBRIK

5. Note from Bobrick to Wagner, 28 November 1944, submitted to defendant Ritter on 1 December 1944, concerning developments in the preparations

Inland II B [Handwritten] please discuss
Legation Counsellor Dr. Bobrick

1. SS Senior Colonel Panzinger reports that various changes have been made in the preparations for the matter discussed but that he has, nevertheless, spoken with Colonel Meurer once more in order to clarify the position definitively. He has promised us a plan for the elaboration of the project by the middle or end of this week.

Submitted to Group Leader Inland II

[Initial] W [WAGNER]

28 November

Berlin, 28 November 1944

2. Submitted to Ambassador Ritter for information—1 December 1944.

[Initial] R [RITTER]
1 December
[Initial] B [BOBRIK]
28 November

6. Note from Bobrik to Wagner, 6 December 1944, submitted to defendant Ritter on 7 December 1944, concerning further developments in the matter of the "Special Affair"

Inland II B [Handwritten] Concern Special Affair
Official in charge: Legation Counsellor Dr. Bobrik

SS Senior Colonel Panzinger reports that in the presence of those concerned with the matter, he had another detailed conference with Colonel Meurer the day before yesterday concerning renewed modifications chiefly in connection with the car question. He hopes to draft his final report before the end of the week.

He has informed the Reich Leader SS by way of his adjutant's office of the need for another modification of the plans.

Herewith submitted to Group Leader Inland II.

[Initial] W [WAGNER]
Berlin, 6 December 1944

Submitted to: [Signed] BOBRIK

1. Ambassador Ritter, for information.

7 December 1944
[Initial] R [RITTER]

2. Herr Bobrik for further action.

[Initial] B [BOBRIK]
[Initial] W [WAGNER]
7 December

7. Report of 13 December 1944, signed by von Thadden for submission to von Ribbentrop through defendants Ritter and von Steengracht, concerning two alternate plans for killing the French general

Group Inland II *Personal*
Subject: French general *Strictly confidential*

[Handwritten marginal note] Through Lieutenant Colonel Senior Government Counsellor Dr. Schulze, 855456.

SS Senior Colonel Panzinger stated for our information that the preparations in respect to the French general had reached

the stage where a report concerning the proposed procedure would be submitted to the Reich Leader SS within the next few days.

The French general will be transferred, together with four other younger generals, from the Fortress Koenigstein to a new PW camp. The transfer will be carried out in three automobiles, two of the younger ranking generals entering each of the first two cars, while the senior ranking general in question will ride alone in the last car in order to give him the special attention due to his rank. The cars will be driven by SS personnel in Wehrmacht uniform. The automobiles will bear Wehrmacht insignia.

The order will be carried out during the drive, by either of the following methods:

1. *By shooting during escape*—on the way, the car will stop at a suitable spot while the other two cars will continue their journey. The general will be killed while trying to escape, "by well-aimed bullets from behind." Examination of the body, also an eventual later post-mortem, will confirm that the general was fatally hit while attempting to escape.

2. *Through poisoning by carbon monoxide gas*—A specially built car which has already been constructed, is required for this purpose. The general will sit alone in the back seat. The doors will be locked in order to prevent him from jumping out during the drive. The windows, on account of the cold winter weather, will be closed. The window between the back and the front seat, where the driver and the attendant will sit, will be closed. Possible air holes will be specially sealed. Odorless carbon-monoxide gas will be introduced during the drive into the inner compartment through a special apparatus to be controlled from the front seat. A few breaths will suffice to ensure death. The gas being odorless, there is no reason for the general to become suspicious at the decisive moment and break the windows in order to let in fresh air. Cause of death will be recognizable beyond question by the color of the skin as a typical characteristic. It will be established that, through leakages from the engine entered the interior of the car, thus imperceptibly leading to his death.

After the report to the Reich Leader SS has been dispatched, a carbon copy of it is to be placed at the disposal of the Foreign Office herewith by way of Ambassador Ritter to the State Secretary for presentation to the Reich Foreign Minister.

Berlin 13 December 1944

Signed: [crossed out] WAGNER
[Signed] VON THADDEN

[Illegible handwriting]

[Initial] B [BOBRIK] 13 December

8. Note from Bobrik to von Ribbentrop's office, 18 December 1944, concerning developments on the subject "French General" and noting that the Chief of Prisoner-of-War Affairs had signed a report to be submitted to Himmler

Inland II B — *Personal*
Subject: French general — *Strictly confidential*

The Fuehrer order explicitly allows for various methods of execution, as has just been confirmed to me by the official in charge, Senior Government Counsellor Dr. Schulze. The only thing that has been fixed, is the subsequent press announcement.

The report to be submitted to the Reich Leader SS has been signed by the chief of Prisoner-of-War Affairs and is at present before SS Lieutenant General Kaltenbrunner for his cosignature. It will then go to the Reich Leader SS. Inland II will receive a copy for the information of the Reich Foreign Minister.

The assurance is given that the Reich Leader's decision will not be carried out before the Reich Foreign Minister has been consulted.

Through Group Leader Inland II submitted to Legation Counsellor Brenner of the Office of the Reich Foreign Minister.

Berlin, 18 December 1944

Signed: BOBRIK

[Initial] B [BOBRIK]

[Handwritten] To be filed — 18 December

9. Letter from Kaltenbrunner to Himmler, 30 December 1944, concerning discussions of Kaltenbrunner, defendant Berger, and the Foreign Office concerning proposals for killing a French general

Copy

Berlin SW 11, 30 December 1944
Prinz-Albrecht-Strasse 8
Telephone 12 00 40

The Chief of Security Police and SD

VCB No. 831/44 top secret

Please quote above reference in your reply. [Stamp] Express letter—Secret Reich Matter.

To Reich Leader SS, Field Headquarters

Referring to PS Field HQ Staff Gmund No. 460 and PS intermediate report of 4 December 1944.

Reich Leader!

The discussions about the matter in question with the Chief of Prisoner-of-War Affairs and the Foreign Office have taken place as ordered and have led to the following proposals:

1. In the course of a transfer of five persons in three cars with army identification, the escape incident will occur when the last car has a flat tire, or

2. Carbon monoxide is released by the driver into the closed interior of the car. The apparatus can be installed by the simplest means and can be removed again immediately. After considerable difficulties a suitable vehicle has now become available.

3. Other possibilities, such as poisoning by food or drink have been considered but have been discarded again as too unsafe.

Provisions have been made for proper attention to subsequent routine matters, such as report, obduction, death certificate, and burial.

Convoy leader and drivers are to be supplied by the Reich Security Main Office and will appear in army uniform and with pay books delivered to them.

Concerning the notice for the press, contact has been established with Privy Councillor Wagner of the Foreign Office. Wagner reports that the Reich Foreign Minister would like to discuss the matter with the Reich Leader.

In the opinion of the Reich Foreign Minister, this action must be coordinated in every respect.

In the meantime, it has been learned that the name of the man in question has been mentioned in the course of various long distance calls between Fuehrer headquarters and the Chief of Prisoner-of-War Affairs, therefore the Chief of Prisoner-of-War Affairs now proposes the use of another man with the same qualifications. I agree with this and propose that the choice be left to the Chief of Prisoner-of-War Affairs.

Expecting your instructions, Heil Hitler!

Your obedient servant,

Signed: DR. KALTENBRUNNER

10. Note by Wagner, 4 January 1945, submitted to von Ribbentrop through defendant Ritter, transmitting a copy of Kaltenbrunner's letter of 30 December 1944 to Himmler

Subject: French general *Personal*
Strictly confidential

SS Senior Colonel Panzinger has submitted attached copy of SS Lieutenant General Dr. Kaltenbrunner's report for the Reich Leader SS, dated 30 December 1944,* with the request to submit it to the Reich Foreign Minister.

* Kaltenbrunner's letter is reproduced immediately above.

Assurance has again been given that the Reich Foreign Minister will be informed of the reply of the Reich Leader SS prior to execution of the plan.

Signed: WAGNER

Herewith (channeled through Ambassador Ritter for his information upon [his] return)
[Crossed out] to State Secretary
[Handwritten] to Minister Schmidt personally for submission to the Reich Foreign Minister

Has been submitted to the Reich Foreign Minister.

[Initial] SCH [SCHMIDT]

Berlin, 4 January 1945

[Initial] B [BOBRIK]

11. Note from Schmidt of von Ribbentrop's Office to Wagner, 6 January 1945, concerning von Ribbentrop's Views on Further Handling of the Matter after Consideration of Kaltenbrunner's Letter of 30 December 1944

Office of the Reich Foreign Minister — *Personal, strictly confidential!*

In confirmation of the verbal notification, the Reich Foreign Minister asks to discuss the subject matter of the express letter of the Chief of Security Police and Security Service, dated 30 December 1944—VGB No. 831/44 top secret—with Minister Albrecht so as to find out precisely what rights the protecting power would have in this matter, and to be able to adjust the plan accordingly.

The Reich Foreign Minister thinks that the announcement of the incident to be published in the press should as far as possible be phrased in the same way as the notice of the occurrence which provoked the above mentioned plan, so that the responsible persons on the other side may thereby clearly recognize the answer to their own move.

Herewith submitted to
Senior Legation Counsellor Wagner

[Initial] W [WAGNER]

Berlin, 6 January 1945

[Signed] SCHMIDT

12. Note by Bobrik to Legation Counsellor Krieger, 12 January 1945, concerning the Legal Rights of the Protecting Power in connection with the Plan to kill a French general

Personal
Strictly confidential

Legation Counsellor Dr. Krieger—Legal Division, Section XV
Hildebrandstr. 5

With reference to telephone conversation—

A French prisoner-of-war general is going to die an unnatural death by being shot while escaping or by poisoning. Provisions have been made for proper attention to subsequent routine matters, such as report, post-mortem examination, death certificate, and burial.

The Reich Foreign Minister's instruction states that "the matter is to be discussed with Minister Albrecht in order to determine exactly what legal rights the protecting power could claim in this matter, and to coordinate the plan accordingly."

I should be grateful therefore, if after discussing the matter with Minister Albrecht, you would draw up the desired information to be submitted to the Reich Foreign Minister.

In my opinion allowance would, among other things, have to be made for possible legal rights of General Bridoux's Commission,* for those of the International Red Cross and other authorities; as for example, that of exhumation, post-mortem examination by a court pathologist, etc., also a notice to the Armed Forces Information Office, a report to Bridoux, filling up of questionnaires for the International Red Cross Committee in connection with the forwarding of possible personal effects and the like.

Berlin, 12 January 1945

[Signed] BOBRIK

13. Answer of Krieger, 18 January 1945, to Bobrik's Note of 12 January 1945

Memorandum

Personal

Strictly confidential

To Legation Counsellor Bobrik, Inland II

In the event of a PW's death, we, as the detaining power, are, according to the Prisoner-of-War Convention of 27 July 1929, under the following obligations:

* Reference is to the French Armistice Commission in Wiesbaden.

953402—52——4

Every case of death must be reported to the Armed Forces Information Office which, in its turn, passes on this report, inclusive of enrollment number, personal data, day of death, and place of burial to the Central Information Office of the International Red Cross in Geneva for notification to the country of origin. The cause of death—without detailed account—will be mentioned only if disclosed on the death certificate.

The Armed Forces Information Service is further under the obligation of collecting all articles of personal use (valuables, letters, paybooks, identification, and so on) belonging to deceased prisoners of war and of dispatching them to the country of origin.

On the other hand, unless there has been an additional, definite arrangement to this effect as, for instance, in the case of the Anglo-German convention, we are under *no* obligation to bring to the knowledge of the protecting power cases of violent or unnatural death.

In view of the fact that the country of origin is naturally interested in detailed information in cases of unnatural or violent death, especially where the supposition of an infringement of the agreement seems justifiable, it has become a mutual practice to notify the protecting power of all such cases with the additional result of a relevant investigation by the Foreign Office. In this connection a decisive role has been played by the fact that, on account of its conventional right of correspondence and verbal intercourse with the prisoners of war, the protecting power is in a position to collect information of this kind elsewhere, subsequently demanding an explanation in the case of a violation of the agreement.

In any case the protecting power, in the absence of witnesses or detailed data in particular, will have to content itself with the result of the official investigation as submitted by the Foreign Office and it is, moreover, not entitled to demands such as exhumation, subsequent post-mortems by government pathologists, etc.

With reference to French prisoners of war, following this procedure, notice is sent to General Bridoux's French section for Prisoner-of-War Affairs. On the other hand the de Gaulle government receives notifications of death only in the already mentioned routine manner through the Armed Forces Information Office or the International Committee of the Red Cross in Geneva. The de Gaulle government, not being in the charge of a protecting power, can direct inquiries only through the International Red Cross, and we are under no obligation to answer them.

Berlin, 18 January 1945

[Signed] KRIEGER

2. AFFIDAVIT OF PROSECUTION AFFIANT WAGNER AND TESTIMONY OF PROSECUTION WITNESSES WAGNER AND MEURER

TRANSLATION OF DOCUMENT NG–3658
PROSECUTION EXHIBIT 1250

AFFIDAVIT OF HORST WAGNER, CHIEF OF DIVISION INLAND II OF THE GERMAN FOREIGN OFFICE, 26 NOVEMBER 1947*

I, Horst Wagner, Senior Legation Counsellor, retired, herewith declare the following under oath:

I was born in Poznan on 17 May 1906. After attending the Realgymnasium in Steglitz, the University in Berlin (the College for Political Science and the College for Physical Training), I worked in the German press and in 1936 entered the England Section of Ribbentrop's office to entertain foreign guests of honor. In 1938 I became scientific coworker in the Protocol Division of the Foreign Office, later on received a commission and in 1943 took over direction of Inland II; in this position I was appointed Senior Legation Counsellor.

On 12 November 1944 at 1730 hours, Ambassador Ritter called me into his office and informed me of the following: A German general of the Wehrmacht, named Brodowski, had been murdered by French resistance forces. Following this the Fuehrer had decreed corresponding countermeasures and the Foreign Office was ordered to assert its opinion based on the point of view of international law. I was to arrange immediately for a discussion between SS Lieutenant General Kaltenbrunner and ourselves, concerning the form the plan was to take and concerning later speech directives, and to ensure that the order would not be carried out until then. Furthermore he informed me that he would exercise full supervision in the matter, that the affair would have to be kept strictly secret, and that references may be forwarded only in sealed envelopes when submitting the matter.

Akin to the character of Ambassador Ritter, the discussion was very brief. Since it was impossible for me on Sunday to contact Kaltenbrunner, I asked Legation Counsellor von Thadden to arrange for a meeting between myself, Ambassador Ritter and SS Lieutenant General Kaltenbrunner. This was done on 13 and 14 November. This discussion however did not take place since Ambassador Ritter was of the opinion that Lieutenant General Kaltenbrunner, as the person lower in rank, would have to call on him. After SS Lieutenant General Berger, the Chief of Pris-

* Extracts from the testimony of Wagner concerning this affidavit are reproduced immediately below.

oner-of-War Affairs, was dealing with the execution of the plan and after Colonel Meurer on 14 November expressed the opinion that the Fuehrer decree had been rescinded, I sent Thadden to Ritter so as to inform him about closer details, who then ordered that Kaltenbrunner be contacted.

On 16 November I was called by Mr. Ritter who reproached me for not having done anything in the matter yet. He told me again that he had been ordered by the Reich Foreign Minister to see to it that the order was carried out properly. Thereupon he sent me a written confirmation of our discussion. On the following day I was again called to Ambassador Ritter, who now told me that his discussion with Kaltenbrunner would not take place. At the same time Ambassador Ritter explained in detail the incident in France, the decree issued by the Fuehrer, and the order to the Foreign Office to examine the matter from the point of view of international law. Now I was to receive an official of the Security Service; this official was to inform me of the measures planned and he was to discuss with me the speech directives and points on international law.

On 18 November I was informed by Kaltenbrunner's adjutant that SS Senior Colonel Panzinger would be sent for a discussion. During the discussion Panzinger outlined the intended measures by the SD and I put them down verbatim; then the press release and points of international law were discussed. I could not understand the purpose of a press release, since it seemed illogical to camouflage the whole affair on the one hand and to publicize it on the other as a means of intimidation. In addition the SD set the date for the period 27–30 November. As ordered, I then made certain that nothing would happen in the matter until approval of the Reich Foreign Minister had been obtained.

Immediately after the discussion I drew up a memorandum which was sent sealed to Ambassador Ritter and State Secretary Steengracht for initialing and then submitted by me to Minister Schmidt for the Foreign Minister in a sealed envelope. In doing so I gave special instructions. All information which then reached us in the matter was immediately forwarded to Ambassador Ritter and the more important points of the matter to the Foreign Minister via State Secretary Steengracht.

On 13 December a discussion took place between Thadden and Panzinger in which the latter stated that preparations concerning the French generals had been concluded and that a report on the intentions of the SD would be submitted. This report was forwarded to Ambassador Ritter and State Secretary Steengracht via myself for the purpose of submitting it to the Foreign Minister.

On 4 January Kaltenbrunner's report to Himmler was sent to me by Panzinger and submitted to the Foreign Minister via Ambassador Ritter and Minister Schmidt. In order to close the affair I was asked by Minister Schmidt upon instruction of the Foreign Minister to discuss with Minister Albrecht what rights the protecting power would have in the matter. Simultaneously the Minister's instruction concerning a press release was given. As already mentioned, it was to be attempted to intimidate the enemy.

Since, as far as I recall, and for reasons which I do not remember at present, a discussion between myself and Albrecht never took place. Bobrik, in order to obtain the approval of the Minister as ordered, asked Dr. Krieger of the Legal Division for an opinion concerning the rights of the foreign protecting power.

I cannot say for the moment when I learned that the special order had been carried out. It is certain that I knew nothing of it until 19 January. Only the Legal Division could inform the protecting power of this incident.

I had always hoped that the Minister would prevent the carrying out of this murder plan. Since I have been disappointed in my justified assumption I must characterize this incident as a crime under international law.

These statements are true and were made without any coercion. I have sworn to them, read, and signed them.

Nuernberg, 26 November 1947

[Signed] HORST WAGNER
Senior Legation Counsellor, retired

EXTRACTS FROM THE TESTIMONY OF PROSECUTION WITNESS HORST WAGNER*

DIRECT EXAMINATION

M. CHARLES GERTHOFFER (official representative of the Republic of France, for the prosecution): Witness, would you specify what was your official position in November 1944?

JUDGE POWERS, Presiding: First let's get his full name in the record.

M. GERTHOFFER: Will you give the Tribunal your full name?

WITNESS WAGNER: Horst Wagner.

Q. What is your age?

A. 41.

Q. What is your profession?

A. I was an official of the Foreign Office.

Q. What was your rank in the Foreign Office?

* The complete testimony of Horst Wagner is recorded in the mimeographed transcript, 3 March 1948, pages 2585–2637.

A. I was, at the end, Senior Legation Councillor.

Q. What functions did you hold in November 1944, Witness?

A. In November 1944, I was the head of the Division Inland II in the Foreign Office.

Q. Will you specify with a little bit more clarity what your actual functions were, I mean what kind of work you did?

A. Inland II was a technical liaison department to maintain liaison between the Foreign Office and the agencies of the Reich Leader SS, with the Reich Ministry of the Interior, and similar agencies.

DR. SCHMIDT-LEICHNER (counsel for defendant Ritter): Your Honor, I am a little muddled. I thought the Court had decided that the witness was to be called for cross-examination. I don't know how deep counsel for the prosecution wants to go, but I thought the right to cross-examine lay in the hands of the defense.

JUDGE POWERS, Presiding: This witness' affidavit has just been offered?

DR. SCHMIDT-LEICHNER: Yes, and accepted.

JUDGE POWERS, Presiding: Does the prosecution desire to offer anything further.

M. GERTHOFFER: My opponent can be quite calm about the matter. All I am going to do is to ask the witness whether he wants to maintain his affidavit.

JUDGE POWERS, Presiding: Very well. Proceed with dispatch.

M. GERTHOFFER: Witness, on 26 November 1947 you were interrogated under oath and you signed an affidavit [Document NG–3658, Prosecution Exhibit 1250.*] Do you maintain that affidavit in its entirety?

WITNESS WAGNER: Yes.

M. GERTHOFFER: No further questions, Your Honor. Your witness.

JUDGE POWERS, Presiding: Cross-examine.

CROSS-EXAMINATION

* * * * * * *

DR. FROESCHMANN (counsel for defendant Berger): Witness, I have only one brief question. In answer to the question of counsel for defendant Schellenberg, you stated that the report you mentioned in your affidavit was expected by Kriminalrat Panzinger?

A. Yes.

Q. Is it then correct that Kriminalrat Panzinger was entrusted with the execution of the plan to murder General Mesny?

* Reproduced immediately above.

A. Panzinger was the only person to inform us, as an office, of the various stages of this plan.

Q. May I ask you to look at your affidavit, page 44 of the German, 31 of the English, the last four lines on page 44 of the last paragraph, but one on page 31. Do you have that?

A. Yes.

Q. Now, I would like to know how do you come to claim that the Chief of Prisoner-of-War Affairs Berger dealt with the execution of the plan?

A. I can't remember at the moment. I assume that this comes from some document or is taken out of some context, the expression "dealt with."

Q. Were these words which the prosecution more or less put in your mouth on the basis of the documents?

A. I think it is possible that it is connected with some document.

Q. Witness, at the moment of this alleged knowledge, you had only known about this affair for a very few days or only a very few hours, that is correct, isn't it?

A. Yes.

Q. Did you know that Keitel at that time had given an order concerning a French general first of all to a certain Juettner, who came then to the Inspectorate of Prisoner-of-War matters?

A. I recall having heard something of the kind, but I cannot say for certain what is correct, because I only know that at that time nobody knew who actually gave the order. Up to the time of the capitulation, I never found out for certain who actually passed on Hitler's order.

Q. But today your explanation, as you formulated it in this affidavit, is one you cannot maintain, that the Chief of Prisoner-of-War Affairs dealt with the execution of the plan, is that correct?

A. No.

DR. FROESCHMANN: Thank you very much.

EXTRACTS FROM THE TESTIMONY OF PROSECUTION WITNESS FRITZ MEURER*

DIRECT EXAMINATION

MR. PETERSEN: Witness, what is your full name?

A. Fritz Meurer.

Q. When and where were you born?

A. On 30 November 1896, in Lahr in Baden.

* The complete testimony of Fritz Meurer is recorded in the mimeographed transcript 24 and 25 February and 9 March 1948; pages 2335–2354, 2363–2389, and 2905–2923.

Q. Will you please provide the Court with a short synopsis of your career up to the time when you first became affiliated with the prisoner-of-war administration? Would you make that pretty short, please?

A. I went to a secondary school and then I went to high school, where I matriculated. Then I worked for 2 years, which work was interrupted by the First World War. After 1919 I studied for five terms at a technical college and became an engineer. Between 1922 and 1925, I worked as engineer. Between 1925 and 1933, I worked as a civilian employee with the Army District in Stuttgart. Between 1933 and 1935, I was with the Training Department, and in 1935, I joined the Wehrmacht as an active officer. My military career in the First World War I terminated as a first lieutenant of the reserve and after 1935, when I rejoined the Wehrmacht, until 1938, I worked with the Army Replacement Command at Stuttgart. Between 1939 and 1940, I was with the Army Replacement Inspector at Karlsbad, and between 1940 and 1943, I worked with the Deputy General Command of Nuernberg, after which I was transferred into the Prisoner-of-War Affairs in September 1943.

Q. When did you become affiliated with the Office of the Chief of Prisoner-of-War Affairs?

A. In September 1943, in order to become acquainted with my work, I was assigned to the commanding general in charge of prisoners of war in the Ukraine. In 1944 I was sent to a transient camp in the East, where I remained until 1 October 1944, after which date I worked with the Chief of Prisoner-of-War Affairs in Berlin.

* * * * * * *

CROSS-EXAMINATION

* * * * * * *

DR. FROESCHMANN (counsel for defendant Berger) : Now Witness, the prosecution yesterday mentioned the case of General Mesny as part of their interrogation. You have already in broad outlines described the Mesny affair. I would like to take out a few brief points from there and would like to ask you if it is correct to say that the order concerning the earmarking of a French general in November 1944 was originally addressed to the Commander in Chief of the Replacement Army who was Himmler, and the execution order was addressed to the RSHA, whereas your agency was merely informed of the matter?

WITNESS MEURER: I would like to clear up that first there was a preparatory order.

Q. Excuse me, Witness. All I want to know is this—I don't want to waste the Court's time—would you very concisely tell me whether that order about the earmarking of a French general was addressed originally to the Commander in Chief of the Replacement Army?

A. The order in writing was addressed to the RSHA and it was addressed to the Chief of Prisoner-of-War Affairs and the Foreign Office for informative purposes. The preparatory order was originally addressed to Himmler as the Commander in Chief of the Replacement Army. Whether or not the order in writing was also sent to the Commander in Chief of the Replacement Army, I don't know.

Q. Well, Witness, in a most credible manner you described the affair to us yesterday, and you also described that a list of the French generals was available at the time, which Keitel had gotten hold of through the Inspector of Prisoner-of-War Affairs, a list which was headed by the name de Boisse, is that correct?

A. Yes.

Q. And then you described that 2 months later upon the intervention or the suggestion of the intelligence officer, three officers were chosen from that list—you yourself quite openly admitted that you did that yourself—and it was on that occasion that Mesny's name headed the list, is that correct?

A. Well, whether he headed those three names or not I no longer know.

Q. But anyway his name was included on the second list. Then you said that Berger, both in the case of the first and the last order, could not be reached; in some instances he was informed by word of mouth, is that correct?

A. No. The first order—we must differentiate between four teletype letters—the first communication to Keitel to the effect that we were suggesting to change the name, I know—

Q. Did you—

JUDGE MAGUIRE: Just a moment, let the witness answer. Then you may inquire again. Proceed.

DR. FROESCHMANN: Please go ahead, Witness.

WITNESS MEURER: What happened was this. We first drew Keitel's attention to the fact that secrecy had been endangered and therefore sent him a teletype letter. Berger knew about this eventually because I discussed it with him. The teletype letter itself was sent out by me on the same day bearing the following signature: "Signed Berger, corrections certified by Meurer." Keitel's reply for which we were waiting could only consist of either he himself deciding on the name, as he did in the case of de Boisse, or that he would ignore our suggestion

and decline to have the name changed. What actually happened was that Keitel's reply came with roughly the following wording: "Approve suggestion. According to the conditions put by me, one name is to be selected. The name is to be reported." That approximately was what the teletype letter said but Keitel had transferred the selection of the name to us. When this teletype letter came in, I made a marginal note on it for Berger, suggesting to select not one but three names, and I put that teletype letter into his mail which was sent him on that day because I could not report to him myself. When on the following day I got the teletype letter back, nothing to the contrary was to be seen on it and I, therefore, assumed that Berger approved the suggestion. He had in the meanwhile been away on an official trip and I also was about to go on a short official trip and wanted to settle the whole affair before I left. I therefore, always assuming that Berger agreed to the whole thing as he had not said anything to the contrary, sent a teletype letter to Keitel mentioning the three names, two of which came from the list supplied by the Inspector of Prisoner-of-War Affairs. The third name I had to pick from the list giving the names of the French generals about to be transferred. The whole list by the Inspector of Prisoner-of-War Affairs consisted of only three names, that is, the list which was supplied to me. As de Boisse was out of the question, there remained only two, and I added the third name myself. The teletype letter gave the names of those three generals—I don't know in which order. It also mentioned their ages and their exact rank. I again sent off that teletype letter with the signature "Signed Berger, certified by Meurer," and Keitel's reply was worded, "Please replace de Boisse with the name of Mesny. Signed, Keitel." When Berger returned from his duty trip, I informed him of the changes that meanwhile occurred, and he approved my measures because, after all, there were no other possibilities left to me. However, I found out at that moment that he had never seen the second teletype letter from Keitel, although it had been part of his incoming mail, together with my marginal note, and he told me that he had never read it.

Q. Witness, have you finished your explanation?

A. Yes.

Q. What I am interested in now is how you and Berger reacted to the order which came in, in November 1944 and particularly I am interested in Berger's reaction. Let me ask you this. Is it correct to say that after the first orders came in Berger said quite generally that all this was out of the question; he wouldn't do a thing like that?

A. Yes. Well, when the written order came in, he at once and spontaneously declared that he would not have carried out an order of that sort. He also stated that he would immediately contact Himmler on this matter and, if necessary, would contact the Fuehrer himself.

Q. Do you know that in actual fact defendant Berger got as far as Hitler himself, asked to be allowed to report to the Fuehrer, but was not admitted?

A. Yes.

Q. Do you also know that Berger, having not been admitted to Hitler's presence, then turned to Himmler and went to see him together with you, which I think must have been around 10 December 1944, in order to persuade Himmler into taking back that order?

A. Yes.

Q. Would you please describe that conversation to us?

A. The first arrangement made with Himmler about a conference dates back to the last days of October. It was scheduled originally for 6 December. However, it did not take place on that day. There was some delay until 12 December and it was on that day that Himmler was reached. A conference took place in the neighborhood of Ulm at a railroad station. Himmler said he was ready to use his influence for the order to be rescinded. At the same time Berger had to use a lot of persuasion on that occasion.

Q. To make this quite clear, you were not present during that conversation, were you?

A. No.

Q. But is it correct to say that immediately after the conference Berger told you about the contents of his conversation with Himmler?

A. Yes.

Q. Was Berger highly excited when he came back from Himmler?

A. Yes.

Q. And did he say to you on that occasion: "Very well, I hope that Himmler will intervene and the whole thing will die?" Is that roughly what he said?

A. Yes.

Q. Was this conversation between Berger and Himmler of 10 December followed by any actual events between then and the end of December?

A. No. Nothing happened at all. Neither the OKW, the RSHA, nor the Foreign Office gave us any information or instructions. We already believed by the end of December that the order had been quietly rescinded.

Q. Was it then your assumption that the whole thing was over and done with?

A. Yes, more or less.

Q. Was the matter revived at the end of December by the intervention of the intelligence officer?

A. No. I forgot to mention that before. The intervention by the intelligence officer took place very much earlier, before the end of December or the beginning of January. As I remember now very well, this must have occurred in the first half of December, and that action was quite independent of anything else that was taking place.

Q. Is it correct to say that Berger, when inquiries were made at the beginning of January about the execution of the order, made another attempt to reach Himmler or Hitler?

A. Yes.

Q. What do you know about that?

A. When Berger returned from leave at the beginning of January, he was still very optimistic. As I mentioned before, we all thought that the whole matter would die out. Yet he was still very optimistic. It was around 8, 9, or 10 January that he called me in to see him in a highly excitable manner, and to my surprise, he once again interrogated me about these questions. He wanted to know whether the preparations made originally for the transportation of those officers to another camp had been made, and I deduced from the way he questioned me that somehow or other something new had occurred in the affair in an unpleasant sense of the word.

Q. Is it correct to say that Berger, toward the end of 1944 and the beginning of 1945, was frequently absent from his office because he had once been buried alive during an air raid in the beginning of November?

A. Yes.

Q. Well now, Witness, we have discussed the whole Mesny affair. There is one final point—what was the cause of the whole business? How did it come about that Hitler decided to order this frightful event?

A. The reason was that a German general named Brodowski had been shot in France.

Q. Who was Brodowski?

A. Brodowski was the Military Commander in eastern France, as far as I know.

Q. And what had happened, as far as you know? What did you hear from the order itself?

A. From the orders which I mentioned before, the orders in writing I mean, no details were given at all. All that was said was

that the German General Brodowski had been shot in France by the resistance movement. By making inquiries from the Fuehrer's headquarters Berger found out that this was a murder, or shooting, of a general in a most atrocious manner.

Q. Was that German general a prisoner of war?

A. Yes. He had been captured but had been surrendered to the resistance movement.

Q. He had become a French prisoner of war and the agency concerned handed him over to the Maquis, did they?

A. Yes.

Q. And is it correct to say that this general, according to your information, was beaten, tied to a motor car, killed that way, and then taken to Marseilles?

A. Yes. That is what we were told.

Q. And that fact was embellished in the newspapers by the version: "German general shot while trying to escape"?

A. Yes.

Q. And is it true to say that because of this brief report: "German general shot while trying to escape," Hitler said, "All right, let me try and shoot a general while trying to escape," because he was convinced that the general had been murdered.

A. That is what we were told, yes.

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3. TESTIMONY OF DEFENDANT BERGER

EXTRACTS FROM THE TESTIMONY OF DEFENDANT BERGER*

DIRECT EXAMINATION

DR. FROESCHMANN (counsel for defendant Berger): Witness, your full name, please, as well as the place and date of your birth?

A. My name is Gottlob Christian Berger. I was born on 16 July 1896, in Gerstetten, Wuerttemberg.

Q. Will you now give us a brief description of your life, in so far as it is of relevance to your case?

A. In view of the fact that my detailed personal file is available, I shall confine myself to the most important parts. My father was a carpenter; he had his own sawmill and a farm estate. There were eight children altogether, and we were subject to strong discipline on the part of our parents. I attended

* Complete testimony is recorded in the mimeographed transcript, 20, 21, 24-28 May; 1, 2, June; 27 October 1948; pages 5976-6009, 6056-6204, 6307-6345, 6403-6495, 6519-6570, 6581-6616, 6641-6738, 6831-62924, 7062-7126, and 26595-26611. Further extracts from the testimony of defendant Berger are reproduced below in sections IX B 3, IX C 2, and XI C 5.

elementary school in Gerstetten and then went to a boarding school for one year. Then I went to the training seminary in Moedlingen. In 1914 I passed my first state examination. Then I graduated and volunteered on 6 August 1914, joining the army on that day. [I went through the war from the very start to the very end.] Very soon I was made an officer. I was wounded on four occasions. I was decorated for courage shown before the enemy. I passed a preliminary examination for the general staff in the military school in Raedel in 1916. I then went into active service and was commander for one year, that is, the commander of a Sturm battalion, assigned for duty on the Western Front. At the end I was adjutant of a Wuerttemberg Sturm regiment. When the Wehrmacht was activated, in 1935, I became a captain and was taken over in that capacity. I then became a captain in a cavalry regiment, in 1938 a major, and in 1939, lieutenant colonel of the reserve. When the First World War was over, I finished my training from 1919 to 1921, passed the officially prescribed examinations, and I was then trained in the physical training school in Spandau and obtained the qualification to be an academic physical instructor. I was then instructor at various schools, in seminaries, and various schools of training in Wuerttemberg. From 1929 on I was headmaster of the school. In 1933 I became Stadtschulrat.* After that, in 1935, I took over the physical training branch in the Wuerttemberg Ministry of Education and Training and I became Chief of the State Physical Training Center of Wuerttemberg. I was married on 23 April 1921, and we had four children. My daughter was killed due to the effects of an assassination attempt actually directed against her husband in Rumania in 1942. My oldest son was killed in action as commander of the 1st Company, 1st Regiment of the SS Leibstandarte Division when he with his company defended themselves against a tank attack near Kharkov on 11 February 1943.

[In the next ensuing testimony, defendant Berger discusses in considerable detail the numerous positions he occupied and functions he performed between the end of World War I and October 1944, including his role as Chief of the SS Main Office, a leader in the Waffen SS, and German commander in Slovakia in September 1944. Since this testimony covers a period and events not directly related to the killing of General Mesny, it has been reserved for a later section where it is more pertinent. (See extracts from the testimony of defendant Berger reproduced below in section "IX. Atrocities and Offenses Committed against Civilian Populations.")]

On 1 October 1944, at the order of Hitler, I took over a part of the Prisoner-of-War Affairs, and I was in charge of that up to the end of the war. In the same manner at the time, I was assigned the education and training of the Volksturm in connection with the Party Chancellery.

* Title of a superintendent of schools in a city.

* * * * * * *

Q. Witness, is it correct to say that on 1 October 1944, the custody of prisoners of war was transferred to Himmler, and that Prisoner-of-War Affairs were transferred to you and Pohl by Himmler?[1]

A. Yes, that is correct. The order is correct.

Q. Therefore, you as well as Pohl were assigned to prisoner of war work?

A. In the order it says specifically that in addition to myself, Pohl and Kaltenbrunner were to be assigned to the handling of prisoner-of-war affairs. Kaltenbrunner, more or less, was to be responsible for security detention; Pohl was to take over the labor allocation.

Q. Did such an understanding of Himmler's contradict or violate the Geneva Convention, in your opinion?

A. The question of transferring prisoner-of-war matters, on the part of Himmler, had already been discussed in May. The prerequisites and conditions were quite different then from those that actually prevailed in September. From the very first day on I was opposed, in every way, against such a division of work, and on the occasion of the first conference I held with Colonel Meurer,[2] my chief of staff, I expressed this vehemently and clearly.

Q. Is it correct to say, Witness, that first of all during the first few months, say in August and September, Hitler or Himmler told you that the entire prisoner-of-war matter was to be taken over by you?

A. In May of 1944, Himmler mentioned that I was to take over all of the prisoner-of-war affairs. In September, and this was the night 18–19 September, after having seen Hitler 12 years before I again saw him, close, and I was able to talk to him. He, Hitler, spoke of the transfer of the entire Prisoner-of-War Affairs, without any limitations or restrictions, and the same was true in the night 29–30 September 1944.

Q. Witness, did you gladly entertain the thought that you were now to become Chief of Prisoner-of-War Affairs, or did you, much rather, express negative considerations to Himmler or Hitler?

A. I said to Hitler that I had no ambitions to become a custodian of prisoners because I was not a policeman by nature. However, if this task were to be taken over by me on a broad basis, then I would be glad to have that office transferred to me. Hitler did not react to that, and I took that to be a tacit consent.

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[1] See Himmler's teletype of 28 September 1944, concerning prisoners of war, reproduced above in section VII C 1 as Document NO–076, Prosecution Exhibit 1241.

[2] Extracts from Meurer's testimony are reproduced earlier in this section.

He gave the reasons briefly why it was now planned to make a change in the handling of prisoner-of-war matters.

Q. What were those reasons?

A. At that time he mentioned four reasons to me—(1) The case of Sagan,* (2) the matter of the broadcasting station in the American prisoner-of-war camp Fuerstenberg; (3) the revolt in Warsaw, and (4) the Allied plan concerning the landings of airborne troops and parachutists in the vicinity of prisoner-of-war camps.

Q. Witness, I do not wish to enter into any detailed discussions of these incidents but maybe you would be good enough to be very brief in telling us what the case of Sagan and what the broadcasting station of Fuerstenberg were.

A. The case of Sagan was the escape of 72 British Air Force officers, approximately 50 of whom were shot after they were returned to the camp—upon Hitler's command and in violation of all provisions and laws in effect up to then.

Q. What happened in the case of Fuerstenberg?

A. In Fuerstenberg a radio station was discovered—a strong radio receiving equipment and a strong powerful short wave transmission set.

Q. Furthermore, is it right to say that in the case of the Warsaw revolt, files were found which divulged a plan developed in a Bavarian mountain locality, likewise with the objective of revolts on the part of the prisoners of war?

A. Yes. That is right. It was the plan of the camp Murnau, in Upper Bavaria.

Q. In listing these reasons to you, did Hitler say that the present administration of prisoner-of-war affairs no longer had his confidence and that he therefore proposed to charge you with the job?

A. Yes. That is what happened. He said that all the people were lying to him and betraying him and that this Sagan affair would not have happened if the commander there had acted and undertaken suitable measures, in accordance with his duties.

Q. All right, Witness. In this trial several witnesses have already been heard, prosecution as well as defense witnesses, regarding prisoner-of-war affairs. I wish to avoid all repetition and will confine myself to asking you whether this or the other statement given by the witness is right or not. First of all, let me verify the following: Is it right to say that up to 1 October 1944, the prisoner-of-war affairs were subordinated to the General Armed Forces Office?

A. Yes. That is correct.

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* See section B 1 above.

Q. Is it right to say that the chief of this office was General Reinecke?[1]

A. That is correct.

Q. And is it, furthermore, right to say that in addition to other officials handling this business, General Westhoff,[2] who testified here, was also in charge?

A. First of all General Graevenitz and then General Westhoff.

Q. I now ask you, to whom was the General Armed Forces Office subordinated?

A. The General Armed Forces Office was subordinated to Field Marshal Keitel.

Q. In what capacity?

A. As Chief of OKW.

* * * * * * *

Q. Witness, which of the types of camps listed by you were subordinated to you?

A. I was in charge of all permanent prisoner-of-war camps in the German Reich Area, including the occupied areas in Poland, Warthegau and Weichselgau, respectively.

Q. Were you not in charge of any of the remaining camps since, from what you have just told us, they would belong to your sphere of jurisdiction?

A. Not subordinated to me were all prisoner-of-war camps in the operational area of the Commander in Chief West; as well as from the middle or end of November 1944 on, no longer subordinated to me were the prisoner-of-war camps in north and central Norway, because, in the meantime, this area had become operational area. On the whole, in cases where the front receded and headquarters came to be included in the operational area, what happened was that the commander in chief, that is, the commander of the army group, was also responsible and in charge of the prisoner-of-war camps in the area, so they were eliminated from my command or charge.

Q. Witness, if I understood you correctly, you said that originally the entire prisoner-of-war matters were to be assigned to you?

A. Yes. That is correct.

Q. But from what you have told us just now, substantial parts of the camps were taken out of your sphere of jurisdiction. I

[1] General Hermann Reinecke was a defendant in the High Command Case (Vols. X-XI, this series). Reinecke was Chief of the General Armed Forces Office of the High Command of the Armed Forces (the "Allgemeines Wehrmachtsamt," ordinarily abbreviated to "AWA").

[2] General Adolf Westhoff testified as a prosecution witness. His testimony is recorded in the mimeographed transcript, 9 March 1948, pages 2923–2936. An affidavit he executed for the defense concerning the Sagan matter, Ritter Document 22, Ritter Defense Exhibit 22, is reproduced above at the beginning of this section.

now want to ask you, were there any, so to say, organizational portions of prisoner-of-war affairs which were not assigned to you?

A. The most substantial portion, that is the part which I was most anxious to receive—I ought to say would have been most anxious to receive—liaison with the protecting power, that is the international liaison, was taken away from me pursuant to a special agreement concluded between Himmler and Keitel according to which this department continued to be handled by the AWA under the name of Inspectorate of Prisoner-of-War Affairs. It was the duty of this division, in conjunction with the Foreign Office, to maintain liaison with the protecting power and with the International Red Cross.

* * * * * * *

Q. Witness, the entire prisoner-of-war affairs as such was something that you were alien to—you were not an expert in that field. Did you ask that the entire staff which had been handling prisoner-of-war matters up until then be made available to you for your new agency?

A. Not only was I absolutely ignorant and a nonexpert in these matters but I was ignorant in every respect. This entire set of directives was entirely remote from my previous work. For that reason, in favor of smooth continuation of work, I asked that the entire staff, particularly of the organizational division in a closed unit and without exception, be assigned to the newly to-be-established staff of the Chief of Prisoner-of-War Affairs.

Q. Witness, of course in Germany as well as with the protecting powers, it was a sensational incident that now, all of a sudden, prisoner-of-war affairs were placed into the hands of an SS leader. In taking over prisoner-of-war affairs, did you very soon absorb other SS members into the organization of Prisoner-of-War Affairs?

A. When Himmler took over the Prisoner-of-War Affairs, from what I was told by an acquaintance of the Swiss Legation, a tremendous stir and sensation was caused throughout the world. I have to be quite honest. Up to that time I had not been listening to enemy broadcasting stations, and I really got quite scared when I heard of the propaganda, and when I heard what was being said outside the frontiers concerning the SS in general and in particular of the Reich Leader SS himself what was thought of him and what was said of him. For that reason I arranged for some special measures to go into effect from the very start. First of all, the agency of the Office of Chief of Prisoner-of-War Affairs was removed from my main office geographically—it was in Berlin, 3½ kilometers distant—in spite of the fact that I knew

that this would incur considerable obstacles in the management of the business; second, there was nobody, no SS member, that I took over into this staff of Prisoner-of-War Affairs, nor did I assign any such man into such staff. From the start I wanted to break all propaganda that might arise from such an act, or—let me put it better—I wished to break enemy propaganda. Actually I can say that at that time I was not even affected personally by enemy propaganda, but when Himmler took over these matters, the prisoners of war, particularly in the officers' camps, were greatly stirred and excited, and I wanted to counteract this.

Q. Witness, you just now mentioned briefly your relations with the protecting power. This is of a certain importance in the Mesny affair. Please describe, in a few words, your collaboration with the protecting power.

A. Legally speaking, I had no right at all to get in touch with the protecting power directly. The official channel lay through the Inspector for Prisoner-of-War Affairs, AWA, Keitel, Foreign Office. In a discussion with Steengracht, we agreed that he should give me direct contact by way of Legation Counsellor Dr. Reichel, so that many things could be discussed directly between us. This started with the matter of the Red Cross food parcels in December, and from January onward there was no restriction on this means of communication. This was partly due to the fact that the Inspector for Prisoner-of-War Affairs was in Torgau —that is, not in Berlin. Representatives of the protecting power, however, remained in Berlin up until the time the Russians marched in.

Q. Witness, I now come to the Mesny case. Do you know what the various witnesses have testified to here about this case? The indictment charges you with having participated in the plans for the murder of this French general, and that these plans were made between November 1944 and January 1945. Were you concerned in the making of any such plans, or were you informed through any conversations with the agencies planning them?

A. No. Once again I would like to point out to the Tribunal that I take over responsibility for my agency as Chief of Prisoner-of-War Affairs and it is not a matter of my wishing to push off any personal guilt in the coming questions.

Q. You used the word "guilt" just now. Surely you mean responsibility?

A. Responsibility, yes, of course.

Q. The prosecution claims that you took part in discussions between the Foreign Office and your office, such as Chief of Prisoner-of-War Affairs and other agencies. Did you yourself take part in any such discussion?

A. No.

Q. Did you send any member of your staff to attend such a discussion?

A. No. This was impossible because at the first discussion of this question—

Q. I will come to that in a moment. Now, I would like you to answer very briefly, because that is the best way of getting on. The prosecution further claims that General Mesny had been selected at your personal suggestion. Is that correct?

A. No.

Q. The prosecution further says that under your personal supervision and with your personal approval, subordinates of your office worked together with the Gestapo in order to put this murder plan into effect. Is that correct?

A. No. Neither supervision nor approval.

Q. Now I come to the actual description of the incident. When did you hear for the first time of a Hitler order concerning this matter.

A. It must have been about 10 November.

Q. Who told you about this order?

A. My chief of staff, Colonel Meurer. It wasn't quite clear; it was a little confused. He mentioned a number of telephone conversations.

Q. Witness, how did you react to this first report?

A. I can remember quite clearly that I told Meurer. "If Field Marshal Keitel wants to shoot off his imprisoned generals, let him do it alone, without us."

Q. That must have been about the middle of November?

A. No, it wasn't the middle, it must have been during the first 10 days.

Q. What happened in the 2 weeks which followed?

A. In the 2 weeks which followed, as the documents show, I was not in the office. At about that time I was buried underground in debris as a result of bombings and I suffered concussion. The next day I collapsed in the office and I was away from Berlin for 2 weeks, at least up to 28 November.

Q. During these 2 weeks, did discussions take place with the Gestapo, ordered by Keitel?

A. At least one discussion took place.

Q. Who told you that?

A. Meurer.

Q. At that time did Meurer tell you what his standpoint had been at this discussion?

A. Yes.

Q. Did you not tell Meurer at that time that he should not have taken part in such a discussion at all during your absence?

A. I asked him how it was that he went to the Gestapo at all, and he told me he had had orders from above. You must not forget that about that time Colonel Meurer was nothing more than a colonel, and therefore lived in fear of his military superiors and did not dare in any way to try to oppose the orders of a field marshal and chief of the Armed Forces High Command.

Q. When did you return to your office?

A. Toward the end of November.

Q. When you returned to your office, when you heard of the discussion, did you tell Meurer that he was not allowed to do anything else in this matter and that you would handle it yourself? Or what did you say?

A. I told him that he was not to do anything, that I would first of all talk to Kaltenbrunner. Between the first and the fourth of December—it may even have been the day before, but certainly within these limits—I tried to reach Kaltenbrunner both by telephone and personally, but I did not succeed. It was very important to me, because after returning from my sick leave Dr. Brandt ordered me to go to Himmler as soon as possible to be examined by Dr. Kersten, his personal physician. The request again reached me on 1 December, and I left at noon on 4 December.

Q. Where did you go?

A. To Trieberg, in the Black Forest. Himmler was there at the time, as Commander in Chief Upper Rhine.

Q. Do you know for certain on what day that was?

A. Definitely on 4 December, because on this day I experienced at very close quarters the air raid on the old city of Heilbronn where within 1 hour something like 10,000 people died. I myself had a whole family of cousins there who were all killed. I had wanted to spend the night with them. That is why I know for certain it was 4 December.

Q. Could you see Himmler as soon as you arrived in Trieberg?

A. I tried it, but it didn't work. He put me off. He said first of all that he had ordered me to come there for a treatment by his miracle physician.

Q. How long was it until you could really talk to Himmler?

A. I saw him twice in the evenings, at dinner time, but then all that took place was talk of unimportant things. But about the Mesny case I could not talk to him until 12 December 1944 in his special train at the railroad station of Kaufbeuren, near Ulm.

Q. What took place at this discussion?

A. I could not even make my report. When I was about to start to talk about important matters—I was not going to start on the Mesny case until the end—Himmler attacked me with bitter reproaches. He read me a letter from Fegelein.

Q. Who was he?

A. Fegelein was his liaison man and liaison man of the Waffen SS to Hitler himself.

Q. Do you remember the date of the letter?

A. 6 December. In this letter Fegelein said that Keitel had told him that he knew for certain that I was the man who would prevent the reprisal measure against Mesny. After all, he [Keitel] was in the final analysis Chief of Prisoner-of-War Affairs and Himmler was subordinate to him, just as I was. Literally, he said that of course if it had been a general of the Waffen SS who had been murdered by the French, then the reprisal would have been carried out long since.

Q. Did Himmler take the standpoint that he too was of the opinion that you sabotaged the Fuehrer order?

A. Yes. Certainly he knew it.

Q. And did he tell you that, through your measures in prisoner-of-war affairs, the security of the Reich was being endangered?

A. Yes. I have to answer this question in two respects. On the one hand it was quite agreeable to Himmler if I did something special for prisoners of war because then he could tell the representatives of the protecting power, especially in the case of Switzerland, that it was he, the Reich Leader SS, had done it. On the other hand, he lived in terrible fear of Adolf Hitler and that he would hear something about it. Just at this time Himmler noticed what we had told him a year before, that he had been written off as far as Hitler was concerned, that he no longer had anything to say, and that his transfer to the Upper Rhine Front had only been a tactical measure in order to get him away. I have to mention this in order to show the source of Himmler's tremendous excitement.

Q. Did this conversation with Himmler come to a peaceful conclusion, or was there an explosion?

A. First of all I answered him quite quietly—there were two other reproaches he made to me which did not concern prisoner-of-war affairs—and I tried to explain things to him calmly. But he was in such a state that he told me that all his work was being turned into an illusion by me because of my stubbornness and he took his cap, his bag, and went. He had already left in his car before I had left his special compartment.

Q. So what happened, Witness? Was it impossible to carry out your intention of talking quietly and objectively about this Fuehrer order with regard to Mesny, in view of Himmler's rage?

A. I could hardly say a word about Mesny—he did all the talking.

Q. Very well. Did you return to Berlin?

A. I returned to Berlin immediately. Dr. Kersten and his secretary went with me.

Q. When did you arrive in Berlin?

A. On 13 December.

Q. What did you do there as the outcome of this talk?

A. I could do no more since as I said, he shut me up and left the train; I handed in my resignation in very definite terms.

Q. Did you get an answer to your resignation?

A. An SS leader took the resignation to Trieberg so that afterwards Himmler could not say he had not received it. I even obtained a receipt that he had obtained this personally written letter. First I received no answer at all. On about 18 December he called me up, quite peaceably, and said he had thought it over, perhaps I was right after all, and he would talk to the Fuehrer personally about the Mesny case, because his command on the Upper Rhine Front would end on 1 January at the latest.

Q. So, Witness, in spite of Himmler's excitement during the first discussion at Trieberg, he gathered from your objections that you were absolutely in disagreement with this Fuehrer order?

A. I gave detailed reasons in my resignation—one whole page, with four points—and the main point I quoted was that as Chief of the SS Main Office, I could not be responsible for this to my men of the SS to take up any such a matter, even if it were justified.

Q. Slowly, slowly. In this telephone conversation did Himmler tell you whether he would let you know?

A. He told me that he was writing me a Christmas letter at that very moment and that I would hear the rest later and that I would be very pleased.

Q. Did you get this Christmas letter?

A. Yes. The Christmas letter reached me on the afternoon of 21 December, in the Poznan area. It was already there when I got there in the evening for my Christmas leave.

Q. What did this Christmas letter say?

A. Oh, no, I was wrong, it was 22 December—it was 22 December when I arrived, I beg your pardon. In addition to the usual wishes and greetings, he told me that it would probably be the biggest pleasure he could give me to tell me that he had talked to Kaltenbrunner and that the Mesny matter would be

delayed and not carried out. Here I would like to add one thing. This Christmas letter was in my possession up to May 1945, in my personal files. In Augsburg they took it from me, together with other important papers, and now they are indicting me on that very charge. Of the total files concerning prisoner-of-war matters, too, not one single document of mine was burned but much rather, in February or March, they were all taken in one unit to the camp of Landeck, in the Tyrol. It was not my fault that the files were not turned over. I was not at all anxious to prevent the handing over of the files in a proper manner. For this reason, as early as 5 May I got in touch with the United States Divisional Commander, General Federing [sic], in order to get this matter cleared up. Therefore, the files must be in existence.

Q. Do you mean to imply, Witness, that if these documents were submitted it would be shown what measures of a good nature you took on behalf of prisoners of war—what correspondence you had with the Red Cross and so on? Do you wish to imply that your chances of defense may have been rendered more difficult in an unpardonable manner?

A. If these prisoner-of-war files were available, I think an indictment under count three, slave labor and prisoner-of-war matters, would hardly ever have taken place.

Q. Very well. Let's come back to the Christmas letter. What did you do next after you had been told that Himmler himself would intervene with Hitler, and that Kaltenbrunner would see to it that the Fuehrer order was not carried out?

A. On 2 January I came back from my Christmas leave. Before diving into the documents which had accumulated, Meurer arrived to report to me about a number of important things. Unless I am very much mistaken it was in particular a matter of a number of court cases, confirmations of sentences in the case of excesses carried out by guards, excessive use of arms, impermissible use of arms, and in two cases ill treatment of prisoners of war. After Meurer had reported I, of my own accord pointing to my brief case where I had Himmler's letter, said in my way, "Well, Fritz [Meurer], Mesny, hm, [matter] closed [aus]," or "de Boisse, French General, [matter] closed." He said he had heard nothing more about it. Thereupon I said more or less "You won't hear any more about it either."

Q. Witness, I don't know whether I managed to elicit just now the fact that in his Christmas letter Himmler told you that he wanted to take up the matter of the French general and submit it to Hitler personally.

A. Yes. He mentioned that.

Q. Go on please.

A. Well, nothing happened for a few days, at least not concerning prisoner-of-war matters. Between the seventh and the ninth—I can't give you the definite date as such great confusion reigned at that time—I was called up by Fegelein.

Q. He called whom?

A. Me. The headquarters at that time, of Fegelein at any rate, were still in East Prussia. Fegelein, making himself important as always, said, "The Fuehrer is furious. The Fuehrer is deeply embittered." In this tone of voice. That left us pretty cold.

Q. Why was the Fuehrer embittered?

A. Because the reprisal had not been carried out yet in spite of his order and because it took more than 3 months to carry out his orders.

Q. Did he also mention that Hitler had said that he was determined to make an example of you?

A. Yes, Fegelein did say that.

Q. Did he add anything else?

A. He said he had managed to cope with obstinate generals and he would manage to cope with obstinate SS generals too.

Q. Did he mention the Brodowski case in Besançon?

A. More than that. First of all he read me a report and that was not Fegelein's imagination. He wasn't clever enough for that—to make out such a stylistic report and just shake it out of his sleeve, just like that. This report was signed "G–51"—"G" as in George, 51. This said that General Mesny had been taken prisoner in the proper manner and was being transported by French soldiers, when he was surrounded in Besançon by an excited mass of people. That the French soldiers who accompanied him had then disappeared and that Mesny—

Q. Witness, you must mean Brodowski.

A. Well, what did I say?

Q. Mesny.

A. I'm sorry. May it please the Tribunal, I have been wounded seven times and buried alive twice, so these things can happen to me. I'm sorry.

JUDGE CHRISTIANSON, Presiding: The correction is noted.

DEFENDANT BERGER: Of course it's Brodowski. Before the outbreak of the war he was commander of a cavalry regiment in Gotha. The excited population had beaten down Brodowski. Then they chained him to a car by his ankles. They beat him down first and then tied him to a car with a rope or something—I don't know exactly. First of all he had been forced to run behind the car and then the car accelerated its speed and he had been thrown off his feet and dragged into a barracks. Now I

don't know exactly whether it was a barracks or a fort—it may have been either.

DR. FROESCHMANN: Witness, may I interrupt you here. In document book 42, on page 9, Exhibit 1247, Document NO. 3979,* there is an affidavit of yours, and this says under number 3, and I quote, "Upon inquiry I found out that a German general had been taken prisoner in France and on the way from Belfort to a fort had been surrendered to the Maquis by the guards."

A. That was a mistake on my part. It should have been Besançon.

Q. Thank you. Please continue. So you are just describing the murder of the general.

A. Yes. He had arrived there a bundle of blood, and I think it said scraps of material, and then he was shot. But that was not the worst. Fegelein read me further reports about at least eight staff officers, lieutenant colonels and colonels who had been taken prisoner and then had been shot. Of all those names which were new to me I can only remember the one whom I did know. That was the colonel of the Luftwaffe, Alpers. In peacetime he had been State Secretary in the Reich Ministry [Reich Office] for Forestry. He [Fegelein] said that in the British or American papers the news of his [Alpers] capture had been printed, and that a picture of the capture had also been printed. From the time of his capture nothing had been heard of Alpers. Inquiries via the International Red Cross had had no result. Adolf Hitler was particularly excited about this.

Q. Did you stand up for your standpoint toward Fegelein?

A. I told him what I told Himmler. I think I used the same words.

Q. Did you tell Fegelein that Himmler had told you that he would report to the Fuehrer personally?

A. I told him that I was very surprised because the Reich Leader SS had told me verbally and in writing that he would intervene in this matter by reporting personally to Adolf Hitler. Fegelein, I remember, made a very deprecatory remark—"Oh, Reich Leader SS—he talks as much as the day is long."

Q. Could you follow the development of the case on the spot?

A. No. But I called up Colonel Meurer immediately, and presumably in a very excited voice said that in the case of the French general, Keitel was making new efforts, and that he would try to bring the matter to a finish; that I must go away at all costs, and I asked him to look out very keenly and let me know.

Q. Why did you have to go away?

A. I had to take over the arms for the entire German Volks-

* Not reproduced herein.

sturm which were stored in Thuringia—I had to take them over. In armament questions, a Hitler order had instructed me to get in touch directly with Gauleiter Sauckel[1] in Weimar and to discuss further supplies of arms with him, and furthermore to discuss the manufacture of a special rifle for the Volkssturm. These rifle models I was to inspect myself and then submit them to him.

Q. Were your days in Thuringia filled out by this work so that you could not get in touch with Berlin, or what?

A. To get in touch with Berlin or any outside place at this time was incredibly difficult. It's hardly a secret today that from January onward, in fact from Christmas onward, our communications were badly interfered with. Moreover I wasn't sitting at one definite place. I was in Zuhl, Ohrdruff, Eisenach, Eisenstein, and in more towns where small arms were being produced as a result of the evacuation. At any rate it was only about the twentieth—no, it must have been even a few days later, I got in touch with Berlin.

(Adjournment for the day)

Q. Witness, yesterday afternoon we were dealing with the Mesny case. First of all, I would like to remind you that you are still under oath. You mentioned that at the beginning of January you went to Thuringia and a number of other places in order to obtain arms for the Volkssturm, and that as a result you were not in touch with Berlin. Had any other special events taken place which interfered with your communication with Berlin?

A. Yesterday I referred to the gradual destruction of German communications as a result of the air raids. At that time, as a result of the bright days, enemy airmen flew right as far as the Dresden area and watched it day and night. And it was very difficult, even by car, to reach some places; so, on the average one had to take cover every 50 or 80 km, or take the consequences. That is why everything was delayed. Then, I not only had to take over the arms, but more especially to have them transported away as quickly as possible to the areas where they were needed. Although since November 1944 it was known that the Russians were preparing their offensive with German support and under the leadership of German General Staff officers[2] in the Baranov area, the supreme leadership would not believe that this could be true.

Q. Witness, will you only quite briefly tell us whether it is correct that as a result of the Russian break-through you got in touch with Berlin? That's all we need here.

[1] Sauckel, Plenipotentiary General for Labor Allocation also was Gauleiter of Thuringia.

[2] Apparently the witness is referring to German officers who, as prisoners of war of the Russians, participated in the so-called "Free Germany Movement."

A. The Russian break-through was a few days later. That's right. There were already indications of it at that time, and I was dealing with home guard matters outside Berlin.

Q. When did you learn that the reprisal against the French general had been carried out?

A. I can't remember the day, but it must have been about 25 January. At any rate, it was about the time when I was searching for and again found my wife and children, who had gotten mixed up with the retreat and got lost, and that must have been about 25 or 26 January. Colonel Meurer reported it to me. At first I was not informed that we had actually played a part and said to him: "So, he did have him killed." By "he" I meant Keitel.

Q. Did Meurer tell you then that a counterintelligence officer of the agency had also gone?

A. Only then he told me that the counterintelligence officer of the agency—we had only one—had been on the trip.

Q. What was your reaction?

A. I can't say because otherwise it would mean my incriminating members of my agency.

Q. But I would like to know whether you had expected the news or whether you were startled.

A. I think that I would be able to prove to the Tribunal that I was not pleased but that I was deeply startled and taken back.

Q. Now, Witness, we have dealt with the general course of affairs. Now, I must come to the chapter concerning the name and the person of General Mesny. Witness, the witness Meurer has already confirmed that at Keitel's demand he sent three names of French generals off by radio, without informing you. Is that correct?

A. Yes, that's correct; and, as far as I remember—but my memory is full of gaps—that must have been at the end of November or at the beginning of December—or earlier.

Q. Did you yourself, at that time, select the name of de Boisse?

A. I did not select any name. And I would like to say the following: When Meurer told me about it at that time I was so sure of being successful that I would manage to put a stop to this nonsensical reprisal, that I thought, "It doesn't matter at all whether it's one name or another." On the contrary, teletypes of this kind would only delay the affair further.

Q. Did you send any teletype in this matter, or did you order or approve the sending of any teletype?

A. No.

Q. You will remember that Meurer had first given the name of de Boisse. Do you know how the changing of the name came

about? And, Witness, I want you to give us now only the positive facts you know from that time and not things that you have learned later from the documents in the case.

A. I can only remember the following: That Meurer told me, "A lot of telephoning has been going on here. For reasons of secrecy we must change the name and name another general." I don't know any more than that.

Q. When that changing of names took place did you also hope and expect that it would mean a further delay and a gradual tapering off into nothingness?

A. Yes. I have already said that.

Q. Now, Witness, General Mesny was taken from the Koenigstein officers' camp later on. To whom was this officers' camp subordinate?

A. I have already stated that Himmler had ordered me not to take any interest at all in the Koenigstein officers' camp up to 31 December 1944, and he also refused me permission to go there with the French Minister [of Interior] Darnand. According to this order, these reservations would be dropped after the first of January 1945.

Q. Do you know why Hitler may have put this camp under Keitel?

A. Yes. Because of the escape of the French General Giraud, who in spite of having given his word of honor and so having received special consideration, escaped.

Q. I think you made a mistake, didn't you? I think his name was not "Giraud" but "Gerard."[1]

A. Well, I don't want to quarrel with you.

Q. Now, would you please look at book 42? I want to submit to you a document which the prosecution has submitted in rebuttal of your testimony here. On page 35 of this document book you will find Exhibit 1249, Document NG–037.[2] This document shows that the report to be submitted to the Fuehrer is initialed by the Chief of Prisoner-of-War Affairs, and this document came from the Foreign Office. What do you know about that?

A. I don't know how the person making the report can say here that I initialed it; I can quite definitely assure you that I neither saw such a report, nor initialed it, nor was I told about it.

Q. Then, how is it that no report was made to you in this important affair? Were you not in the office as a result of being sick?

A. No. I was quite definitely in my office on the date of this report, 16 November 1944.

[1] Reference is to General Henri Giraud.

[2] Reproduced earlier in this section.

Q. But maybe this report of 16 November 1944 which refers to the other report, might have been made earlier or later.

A. There was also an earlier report from the Foreign Office. I wrote down the exhibit number but I can't find it now. This shows quite clearly that between 10 November and the end of November, as a result of sickness, I was not in my office.

Q. Will you continue?

A. I have finished.

Q. Oh! Then, on page 6 of the document book 42, paragraph 11 of Document NO–3878, Prosecution Exhibit 1246*—

A. Yes.

Q. There you will find a note which, according to what Krafft says in his affidavit here, was sent by your agency to Krafft's agency after the shooting of the French general. What can you say about that?

A. I myself did not sign such a report. I would most certainly be able to remember it. I think I can say for certain, too, that after a verbal report of my chief of staff, I heard no more about the Mesny case. But it is, of course, possible—even probable—that a member of the Office of the Chief of Prisoner-of-War Affairs, at the request of the Inspector for Prisoner-of-War Affairs, might have made a report of this kind, in accordance with mutual agreement.

Q. Witness, of course, it matters a great deal to me to have this matter absolutely cleared up. What happened if, for example, a prisoner-of-war officer in a prisoner-of-war camp under your supervision died? Did these cases have to be reported to the protecting power?

A. Yes. It was all laid down in detail, and it always worked smoothly. Reports from the PW camps would arrive with an accurate description of how and from what causes the PW had died, whether he was an officer or an enlisted man, with a medical report attached both by a physician of the nationality concerned and by an official German physician. These reports would go via the commander of Prisoner-of-War Affairs in the military

* Affidavit of Theodor Krafft, dated 6 June 1947, not reproduced herein. Krafft was a lieutenant colonel in the Prisoner-of-War Affairs Department of the High Command of the Armed Forces. The paragraph of his affidavit here in question states: "11. After the shooting of the French General Mesny in January 1945, a report on the shooting—by the Chief of Prisoners-of-War Affairs—came to my office. This communication consisted of the copy of a report by the officer who accompanied the transport of General Mesny, and of a short cover letter from the office of the Chief of Prisoners-of-War Affairs. Its contents was approximately that a breakdown had occurred during the trip from officers' camp Koenigstein to officers' camp Colditz. While the driver and the man in charge of the transport were repairing the car, French General Mesny attempted to escape and was shot. The General was taken to a hospital in Dresden, where his death was diagnosed. The report by the Chief of Prisoners-of-War Affairs was submitted to Counterintelligence, Foreign Branch." Another affidavit of Krafft, Ritter Document 20, Ritter Defense Exhibit 20, concerning the Sagan shootings, is reproduced above in this section.

district to the Inspector for Prisoner-of-War Affairs, from there to the Foreign Office, and from the Foreign Office to the protecting power.

Q. When Krafft mentions a report which reached him in some way or other, would it have been possible, for example, for an official or expert from your agency to have made out such a report, intended for the protecting power, and sent it to the inspector's office?

A. Yes, certainly.

Q. Now, Witness, on the basis of the entire description of the affair, as you remembered it, and as you have come to know it from the documents, didn't you gain the impression that the order to carry out the reprisal was carried out only as a result of a second order of Hitler's immediately before the shooting of the general?

A. Undoubtedly if Hitler intervened actively a second time or ordered it, when people like Fegelein and Keitel quite openly referred to it, even without its actually having happened—of course, we could not tell that from down below, but I can assure you for certain that this matter would have come to nothing if Field Marshal Keitel hadn't pressed it.

Q. Witness, I've talked now in great detail about these things during the last days and months. Until now you have tried to serve only the truth. I ask you: Do you feel, in any way, guilty before your conscience of having participated, in any way in, or protected the shooting of General Mesny?

A. No. I myself did what I could in this matter. I had no other means than delay; I had no other means than urging Himmler to do something, and I did that. The affair was carried out at a time when I was not present.

VIII. ATROCITIES AND OFFENSES COMMITTED AGAINST GERMAN NATIONALS ON POLITICAL, RACIAL, AND RELIGIOUS GROUNDS FROM 1933 TO 1939—COUNT FOUR

A. Introduction

The charges under count four are contained in paragraphs 30–37 of the indictment (sec. I, vol. XII). The Tribunal, upon a defense motion, dismissed this count of the indictment during the prosecution's case in chief. Accordingly, the current section is devoted to the argumentation and ruling on this count, and no evidence bearing on these charges is reproduced in this section. The defense motion to quash count four and to reject the submission of evidence in support thereof was filed on 26 February 1948, about half way through the prosecution's case in chief (sec. B, below). This motion alleged that the Tribunal had no jurisdiction to try the crimes charged in count four. Since the questions raised by the motion involved one whole count and most of the defendants, the matter was set down for oral argument before the Tribunal on 2 March 1948. Dr. Kubuschok, who often acted as general spokesman for defense counsel, opened the oral argument (sec. C, below). General Taylor replied for the prosecution (sec. D, below) and Dr. Kubuschok concluded the oral argument (sec. E, below). The Tribunal dismissed count four of the indictment by an order of 26 March 1948, which order incorporated a memorandum giving the Tribunal's reasons for the dismissal (sec. F, below).

B. Defense Motion to Dismiss Count Four of the Indictment

Dr. Kubuschok,
Spokesman of the defense
In Case XI Nuernberg, 26 February 1948
To the Judges of Tribunal IV via the Secretary General

In the name of those defense counsel whose clients are charged with count four, I repeat the motion already made orally in the trial—

To quash count four of the indictment and in connection therewith to reject the submission of evidence and interrogation of witnesses in support of this count of the indictment.

Substantiation:

With count four of the indictment, the prosecution raises charges for crimes against humanity committed during the period

of January 1933—September 1939. A trial and presentation of facts within the frame of these accusations is not permissible.

These facts are not included in the terms of Control Council Law No. 10[1] which has to be the basis for finding the verdict. This can be seen from the following:

According to the preamble of Control Council Law No. 10, the latter has been issued—

> " * * * in order to give effect to the terms of the Moscow Declaration of 30 October 1943 and the London Agreement of 8 August 1945, *and the Charter issued pursuant thereto* * * *."

The close connection of the Charter with Law No. 10 is hereby clarified. If the terms of the Charter are to be "carried into effect" by Control Council Law No. 10, the Charter is decisive for the interpretation and at least for the definition in Law No. 10. This is underlined also by the fact that the Moscow Declaration and the London Agreement are inseparable constituent parts of Law No. 10—as its Article I explicitly states—as well as of the Charter. The Charter formulated for the first time the criminal concept of crimes against humanity. The concept which in itself comprehends far-reaching facts had to be limited because of the international character of the prosecution supported thereby. In temporal respect it is rather comprehensive since it includes crimes against the civil population prior to and during the war; with regard to the substance, however, it is limited since only such crimes are subject to prosecution which have been committed in execution of or in connection with a crime within the jurisdiction of the Tribunal according to the Charter. This limitation provides the definition of the crime against humanity which is subject to criminal prosecution and therewith also the limitation of a tribunal's competency for trial.

The meaning of this limitation becomes clear by the wording of Article 6(*c*) of the Charter. All crimes committed before the war can be charged as crimes against humanity only if these crimes are connected with a crime within the jurisdiction of the Tribunal according to the meaning of the Charter, that is, with a crime against peace or a war crime. The verdict of the IMT also decided to this effect in stating (p. 16501 of the German text) that crimes against humanity are substantiated only if the act has been committed in execution of a war of aggression or in connection with another crime within the meaning of the Charter.[2]

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[1] Control Council Law No. 10, and all other basic agreements or enactments mentioned in this motion, are reproduced in the early part of Volume XII, this series.

[2] Trial of the Major War Criminals, op. cit., Volume I, pages 254 and 255.

953402—52——6

According to the preamble and Article I of Law No. 10, the latter's penalties could not deviate from this delimitation of the concept of the crime against humanity within the meaning of the Charter, nor from the limitation of the thereby sustained limitation of the competence to prosecute such acts. They actually do not deviate. If the facts listed under Article II of Law No. 10 do not show the same formulation as in the Charter, it is because for the first time definitions have been made which, at the time Law No. 10 was issued, were already and had to be definite concepts if Law No. 10 was destined to carry the Charter into effect. If the prosecution is of the opinion that the lack of a provision analogous to the Charter's provisions that the crimes against humanity should be in connection with another crime of the Charter might not be unintentional, the correctness of this view can be doubted. Wrong, however, is the conclusion that the lack of this provision could result in an extension of the frame set in the Charter for the prosecution of crimes against humanity. Considering the close connection between the Charter and Law No. 10, such an extension should have been established *expressi verbis,* if such an extension of a Charter would have been possible at all in the carrying-out law.

Law No. 10 did no longer need the basic definition of crime against humanity which was for the first time necessary in the Charter. Contrary to the Charter, Article II (paragraph *c*) of Law No. 10 did not need to state explicitly that acts which had been committed prior to or during the war would be included insofar as they were committed in connection with another crime of the Charter. Law No. 10 did not need to mention the *temporal extension* to acts *prior* to the war nor the *limiting connection* with crimes against peace and war crimes. The definition existed already and therewith its frame and delimitation. This was inserted in the Moscow Declaration and the London Agreement by which it had been made clear that only *war* criminals were to be tried by this special criminal law.

[Signed] DR. KUBUSCHOK

C. Oral Argument of the Defense on the Defense Motion to Dismiss Count Four[1]

PRESIDING JUDGE CHRISTIANSON: We have for consideration this afternoon a motion to quash count four of the indictment. Are the moving parties of the defense ready to present their argument? Who is to present it for the defense? Dr. Kubuschok?

DR. KUBUSCHOK: In a short written motion,[2] I stated my basis

[1] Recorded in the mimeographed transcript, 2 March 1949, pages 2523–2529.

[2] Reproduced above in this section.

for filing that motion. According to the text of the law, I am of the opinion that the legal question involved is relatively simple. As a matter of course, on the other hand, legal objections may be raised.

Q. Just a moment, Dr. Kubuschok. Are you speaking for all the defendants?

A. Yes.

Q. And all the defendants who are charged in count four are represented in this motion?

A. Yes.

PRESIDING JUDGE CHRISTIANSON: I just wanted that for the record. Excuse me for interrupting you. Go ahead, Dr. Kubuschok.

DR. KUBUSCHOK: The legal objections which might be raised against our motion are manifold. I do not know which of these the prosecution will be willing to take up. Of course it would mean a loss of time if in theory I were to enter into all possible objections in advance, that is anticipating them before they are made. For that reason, therefore, the most economic—that is, time-saving measure for me is to proceed to the prosecution for its answer to my written motion, raise its objection, and thus give me an opportunity in my reply to confine myself to those points raised by the prosecution in opposing my motion.

Q. Well, of course that is a little bit irregular, I think, Dr. Kubuschok. You'd better say all you want to say now in behalf of your motion. Then we will hear the prosecution, or those opposing the motion. We are inclined to give you some time for reply argument. If you wish to waive your preliminary argument and let it stand on the basis of the argument you put in your motion, very well. We will then hear the prosecution, and then we will give you an opportunity to reply, but it will be in the nature of a reply. Do you wish to proceed in that manner?

A. I first of all refer to my written motion and to the justification outlined in that motion. In supplement thereto, I wish to say that any provision of law must have limitation in time. In the case of a normal law, this is very simple. As far as time is concerned, it goes into effect on the day of its enactment or it goes into effect at a later day regulated in the law itself and established therein.

As far as Control Council Law No. 10 is concerned, this law does not say anything about restrictions of time within which it is to apply. Therefore, all we can utilize are such portions enabling us to interpret confinement and restrictions of time which are based in the law itself—in the text of the law—and the preamble to Allied Control Council Law No. 10 shows us

the way very clearly. In that preamble, there is reference made to the Moscow Declaration and to the London Agreement and to the Charter of the IMT, which are made the guiding principles for the interpretation of Allied Control Council Law No. 10. It is specifically stated there that Control Council Law No. 10 has for its purpose to implement and give effect to the terms of the Moscow Declaration, the London Agreement, and the Charter. Furthermore, in order to make this even more clear, the Control Law No. 10 says, further down, that these three declarations are made integral parts of Law No. 10.

Now, if Control Council Law No. 10 does not contain any restrictions as to the time in which it is to be valid or to gain effectiveness, then all that we can do is to interpret such limitations of time from such clarifications or explanations as the law itself may give. Because if we refer to the Moscow Declaration, the London Agreement, and the Charter respectively, we will find our guiding principles, to determine such limitation on time. The Moscow Declaration as well as the London Agreement clearly show the purpose of this newly established judicial procedure. They show clearly that the purpose is to have crimes of war indicted and prosecuted and to have war criminals held responsible. As far as the Charter is concerned, it clearly confines and restricts these purposes. It had to make such restrictions and demarcations in order to show clearly that also crimes committed prior to the Polish War are considered as war crimes and their perpetrators are to be considered as war criminals only if the deeds perpetrated prior to the Polish campaign have a direct connection with the two war crimes specified in the Charter itself—these being crimes against peace and war crimes.

In this connection, crimes against humanity perpetrated prior to the Polish campaign are classified as war crimes and their perpetrators fall into the category of war criminals. This shows the clear demarcation established in the Charter and this was a demarcation which was absolutely imperative so that the Charter or any subsequent law enacted pursuant to the Charter be safeguarded from the reproach that it be a law which was in violation of the basic principle, *"nulla poena sine crimine, nulla poena sine lege."*

For the purpose of argumentation, I do not have to deal with matters referring to whether the Charter was successful in establishing the demarcation outlined by me. In any case, it would not have been successful if crimes against humanity perpetrated between 1933 and 1939 were to be included which do not have any connection whatsoever with war crimes as such, crimes which therefore are not in violation of any law, be it either

codified law or customary law, the Kellogg-Briand Pact and the provisions of international law, codified as well as customary law.

This is the argumentation which the prosecution held in the proceedings before the IMT in order to counteract the contention to the effect that the Charter was not in violation of the principle, *nulla poena, sine lege.* As far as crimes against humanity are concerned, the argumentation raised by the prosecution in the trial before the IMT cannot be applied in any way whatsoever. Very probably the prosecution's argument will be that the text of the respective provisions of Law No. 10, as well as the Charter of the IMT, are different in nature, that there are differences between the two, and very probably it will raise in the way of argument that, as far as the technical aspects of law are concerned, it would be entirely incomprehensible if, in defining the concept of law, according to Law No. 10, another concept or definition would be utilized in answer to which I wish to say Law No. 10 could not possibly be more extensive than it is or more comprehensive than it is for the reason of *nulla poena, sine lege.*

Furthermore, it could not be more extensive for reason of the limitation which it sets in its own preamble in its close connection with the Charter. Furthermore, it is my opinion that the different wording of Law No. 10 does not prove by any means whatsoever that there is no demarcation or limitation in time whatsoever established here. I don't know what the prosecution is going to argue on that subject. I don't know whether the prosecution is going to say: "The limitation of 1933 up to May 1945 is made by me," and I don't know whether this may even be right, whether it is not possible that the law might permit retroaction to the time prior or subsequent. In any case, to justify the limitation in time which it believes applies from 1933 to May 1945. Over and over again reference must be made to the Moscow Declaration and to the London Agreement and to the Charter, by the prosecution. They have no means but to refer to these three instruments, all three of which are quite specific and clear in their wording that independent crimes, as far as the time from 1933 to 1939 is concerned, may not be arraigned or indicted before this Tribunal.

The prosecution will probably ascertain the wording of Control Council Law No. 10 intentionally refrains from stating that deeds must be connected with the two crimes established in this Charter. The prosecution will say that this was omitted intentionally, and for that reason the prosecution will draw the conclusion that even such crimes may be adjudged which have no connection whatsoever with those two crimes established in the

Charter, but I have just the same right to assert here for my part that the same provision of law has omitted something else in addition compared to the wording of the Charter, namely, has omitted the provision that crimes committed prior and during the war are not mentioned.

Now, if the one thing was omitted intentionally, surely the other thing was omitted, too, namely, the extension in time. Therefore, the prosecution cannot make use of the omission of the one demarcation for making an extensive conclusion. On the other hand, whereas the other provision can be omitted, likewise this is used in the prosecution's own favor and, on the contrary, even says that although specifically omitted, time limitations should be interpreted extensively.

This can't be done. On the one hand, you cannot act in one way and then argue in another sense on the other hand.

In my opinion, over and over again, in interpreting this law we come back to the preamble, the initial point which clearly specifies the aim of the law, and this aim will do away with all lack of clarity which may be contained in the wording of the law itself and which will prove as a guiding principle to this Tribunal in adjudging in this case.

Last of all, I wish to say if in actual fact there should be any doubts and there should be justification for doubts, and even if the question could not be clearly answered by the law itself, even so, in any case the Tribunal could not judge under doubtful competency but for the sake of law could only assert its competency within such limits as clearly specified and proved by the law. This applies to any case, but most certainly and much more so it must apply to a law which is new, which establishes new crimes and which becomes retroactive to periods which, in date of time, are before the actual enactment of law—that is, the law has retroactive character.

D. Oral Argument of the Prosecution on the Defense Motion to Dismiss Count Four*

PRESIDING JUDGE CHRISTIANSON: I take it the prosecution wishes to be heard in opposition to the motion. General Taylor.

BRIGADIER GENERAL TAYLOR: If Your Honors please. Dr. Kubuschok's argument throughout, has, I think, mentioned a great many of the points which have been made with reference to this general question but, with the Court's permission, I would like to cover the whole thing rather fully, and answer some arguments which he has not mentioned this time but which have appeared in other documents by the defense.

* Recorded in the mimeographed transcript, 2 March 1948, pages 2529–2563.

Dr. Kubuschok's motion raises questions which, we submit, have not been squarely decided by the IMT or by any of the decisions so far rendered here under Law No. 10, but the principles that relate to the question posed by the motion were discussed at some length in two prior decisions, by Tribunal III in Case 3—that is the Justice case[1]—and by Tribunal IV in Case 5, the Flick case.[2]

The issues raised by this motion we believe have fundamental importance in the field of international law and, in fact, I do not believe that any question which is likely to confront these Tribunals is of greater importance.

In approaching this question we would like to make two preliminary observations. We just stated our belief that the decisions in the Justice and Flick cases are not on all fours with the question here today, but both of those decisions did deal with closely related questions and, while there is no square conflict between these decisions in their end result, we think there is apparent difference in the rationale of the opinions. Likewise, while the IMT did not pass on this direct question, there are very various statements in the IMT opinion which are of related interest, so at the outset we think it important to state that in our view the conclusion reached, and the statements made, by these other Tribunals are certainly entitled to great weight, but are not binding on this Tribunal.

Under Control Council Law No. 10 and Ordinance No. 7, certain determinations by the IMT are made binding, but decisions on general abstract questions of law are not. As for the other military tribunals sitting here at Nuernberg, they are of coordinate jurisdiction, and binding decisions can only be made by joint sessions of all the tribunals under Article V paragraph (*b*) of the Ordinance and, so far as I am aware, no joint session relating to this question has been held. We agree with the statement of Tribunal IV in the Flick case that these other judgments are advisory only. The views expressed in the Flick case and the Justice case are entitled to the greatest respect, but this Tribunal has the authority—and we think the duty—to make its own independent determination of the issues raised by this motion.

Our second preliminary point is that the defense has chosen to raise this question by a motion to dismiss or quash count four and, therefore, a decision on the motion must be based on the assumption that all the facts that we allege in count four are true. Therefore, we must keep in mind the charges set forth in count four; and, as appears from paragraph 30 of the indictment, thirteen of the defendants are charged under count four

[1] United States *vs.* Josef Altstoetter, *et al.*, volume III, this series.
[2] United States *vs.* Friedrich Flick, *et al.*, volume VI, this series.

with crimes which include murder, enslavement, imprisonment and other ill treatment of persons, and the plunder and looting of property. The victims of these crimes, as appears from paragraph 31 to 36 of the indictment, were German nationals, including numerous political opponents of the Nazi regime, trade union leaders, clergymen and Christian leaders among the laity and, under paragraphs 31–36, German nationals of Jewish extraction. Dr. Kubuschok's argument is that this Tribunal has no jurisdiction to hear and determine these charges of murder, enslavement, and other atrocious crimes because they occurred prior to September 1939.

Now, it is particularly important to bear in mind the nature of these charges because, as will readily appear, they are fundamentally very different from the charges we put into count three of the indictment in the Flick case, the dismissal of which, by Tribunal IV, is strongly relied on by Dr. Kubuschok. In count three of the Flick case the only charge was that the defendants benefited from what is called the "Aryanization" program and, as the Court stated in that case—I quote:

> "There is no contention that the defendants in any way participated in the Nazi persecution of Jews other than in taking advantage of the so-called Aryanization program by seeking and using state economic pressure to obtain from the owners, not all of whom were Jewish, the four properties in question."*

And bearing in mind this striking difference—that is the end of the quotation—and bearing in mind this striking difference between the allegations of count three in the Flick case on the one hand and count four in this case on the other hand, we think it is clear that the dismissal of count three in the Flick case does not lend much support to the motion to dismiss count four of this case.

Now, I turn to the juridical background of Control Council Law No. 10 which we believe bears on the matters here and which Dr. Kubuschok has mentioned. The general nature of the law which is applied by the Nuernberg Tribunal under Law No. 10 has been described and analyzed in several of the judgments which have been rendered here and we don't need to make any lengthy analysis now. It was pointed out in the Justice case that within Germany, Control Council Law No. 10 is substantive legislation and is binding on this Tribunal and other tribunals which have been established to enforce its provisions; but the criminal character of the acts with which these defendants are charged does not derive solely from the language of Control

* United States *vs.* Friedrich Flick, et al., judgment, mimeographed transcript page 11008.

Council Law No. 10 any more than the criminal character of murder in domestic penal law derives solely from the local statutes defining murder and prescribing the punishment for its varying degrees.

The acts which we have charged as criminal in this indictment were criminal under international penal law long before the adoption of the London Charter and the enactment of [Control Council] Law No. 10. Neither the Charter nor Law No. 10 in our view, creates "new" crimes; Article II of Law No. 10, states that certain acts are "recognized" as crimes. International law does not spring from legislation on the whole; it is a "customary" or "common" law which develops from "usages established among civilized peoples" and, as these develop, these usages and customs become the basis and reason for acts and conduct, and from time to time they appear in international agreements, treaties, and declarations. The London Charter and Law No. 10 are important items in this stream of acts and declarations through which international law develops, but they are not retroactive.

Law No. 10, therefore, is not a source of international law in a strict legislative sense at all, although it is a prime example of the method by which international law, like the common law, develops. Law No. 10 and Ordinance No. 7 do confer on this and the other Nuernberg Tribunals jurisdiction to apply and enforce international penal law within Germany and within the limits set forth in Law No. 10. In short, Law No. 10, together with Ordinance No. 7, provides both the jurisdictional basis and the procedural mechanisms which enable this Tribunal to function as a court and to apply and enforce international law.

But Law No. 10 is not mere procedure. It is the fountain of jurisdiction and the charter of this Tribunal. This Tribunal and other tribunals have no general power to enforce all international law. They are only empowered to enforce that portion of international law which, we might say, is caught up and declared in and recognized by Law No. 10; therefore, the Tribunal has no power to set aside and disregard any provisions of Law No. 10. Where questions of interpretation arise, the Tribunal may, indeed, look behind the language of Law No. 10 to the general body of common law principles of international law of which the enactment is declaratory. But it can look behind the language only to interpret, and not to expand the scope of the enactment or to nullify its provisions. Just as the IMT was bound by the definitions in the London Charter, so, we submit, this Tribunal is bound by the definition of Law No. 10. As Tribunal III declared in the Justice case, I quote briefly:

"It can scarcely be argued that a court which owes its existence and jurisdiction solely to the provisions of a given statute could assume to exercise that jurisdiction and then, in the exercise thereof, declare invalid the act to which it owes its existence. Except as an aid to construction, we cannot and need not go behind the statute."*

There is a third aspect of Law No. 10 which is of importance, and which it appears is in strong contrast to the London Charter. The London Charter is an international agreement, signed by four powers, and adhered to by numerous others. It is in no sense a statute. Under Article 7 of the London Agreement, it can be terminated by one month's notice on the part of any signatory. Its geographical effect is not limited to Germany; it applies to all war criminals of the European Axis, not only to Germans. In sharp contrast, Law No. 10 is an enactment of the Control Council, which is a body now exercising supreme legislative authority in Germany. It can only be repealed or amended by the same principles as all other legislative enactments of the Control Council. It applies only within Germany. It is, in short, an occupational enactment for Germany.

And so it appears that Law No. 10 is not a mere declaration of international law. It is also a legislative enactment for the governance of an administration of justice in Germany by the supreme legislative body. Its purpose is not only to give effect to the London Agreement but also, as it expressly states in the enacting clause, and I quote: "to establish a uniform legal basis in Germany for the prosecution of war criminals and other similar offenders." Very clearly, Law No. 10 is not concerned solely with crimes by Germans against the nationals in other countries. On the contrary, it is directly concerned with crimes committed by Germans against Germans. Thus, Article III of Law No. 10, which authorizes the establishment of tribunals to try persons charged with crimes, expressly states that the tribunal, and I quote: "may, in the case of crimes committed by persons of German citizenship, against other persons of German citizenship * * * be a German court, if authorized by the occupying authorities."

Therefore, if a German court, authorized to enforce Law No. 10, is required to take jurisdiction over crimes by Germans against Germans, it is clear that this Tribunal, in enforcing the same statute, has the same jurisdictional basis and it must take cognizance of these crimes in cases which fall within the definitions of the statutes. So, I think, it is clear that the juridical principles beneath Control Council Law No. 10, are not limited to

* United States *vs.* Josef Altstoetter, et al., Volume III, this series, page 965.

the principles of international penal law. Law No. 10 also invokes and is based upon universal accepted principles of domestic penal law, which may legitimately be applied by the occupying power in governing occupied territories. One of the purposes of occupation is stated to be "the eventual reconstruction of German political life on a democratic basis," and the abolition of the racial discrimination of the Third Reich. Because of the stultifying of the judicial tradition under the Third Reich, because Nazi prejudices may not be completely dead, or for any other sufficient reason, the occupying authorities may legitimately entrust to occupation courts the task of punishing crimes committed against Jews or other groups which the Nazi regime treated as special enemies. As was stated in the Justice case, I quote:

"They [the occupying powers] have justly and legally assumed the broader task in Germany which they have solemnly defined and declared, to wit: the task of reorganizing the German Government and economy and of punishing persons who, prior to the occupation, were guilty of crimes against humanity committed against their own nationals."* Now, to apply these principles to the interpretation of Law No. 10, we must know, in the first instance, that Law No. 10 is not based solely on principles of international penal law. And, in looking behind the language of Law No. 10, in order to solve questions of construction, this Tribunal should not look only at the underlying principles of international penal law, but also at such accepted principles of domestic penal law as Law No. 10 was obviously designed to embody and apply in certain situations as defined therein.

But we must not lose sight of the fact that while this Tribunal does not enforce only international law, this Tribunal is bound by international law in every move it makes. The Tribunal is bound by international law, not only when it is enforcing international penal law but when it is enforcing domestic penal law, for this Court is not a German court. It is a Court constituted under international authority. It is sitting in a foreign country and it is meting out justice to citizens of a foreign country; and therefore it must not invoke any jurisdiction or employ any procedures beyond what is permissible under international law under these circumstances.

In taking pains to stay within those limits of what is permitted under international law, I believe the Tribunal need not decide *in vacuo* whether the occupation of Germany is now a "belligerent occupation" within the meaning of the Hague Conventions, or whether there has been a "subjugation," or what the technical status is. Two of the judges in the Justice case held that, because

* Ibid., p. 964.

of the complete disintegration of the German central government and the fact that there is no longer a German Army in the field, there is no belligerent occupation and the Hague Conventions do not apply. The third judge thought that he did not have to decide that point in order to decide the case. And we think the point need not be decided here because, in any event, the Hague Conventions are not a complete statement of the principles of international law, as the Convention itself acknowledges in the preamble. Whether or not the Hague Conventions are in force in Germany today, the occupying powers obviously must respect the general principles of law and of humane behavior recognized and acknowledged by all civilized nations. And it follows that this Tribunal must apply and enforce the law only within the limits which these principles permit, and must accord the defendants a fair trial.

Certain consequences with respect to the construction of Law No. 10 follow from what I have just said. The juridical character and the several purposes which the law was intended to achieve must not be lost sight of, and it should not be construed so as to obstruct or nullify those purposes. But, on the other hand, the whole purpose of Law No. 10 would be frustrated if it were to be construed in a manner unfair to the defendants who are prosecuted under its provisions; and, therefore, the language of Law No. 10 must not be stretched beyond its normal intendment, and, in any case of real doubt, the language should be construed in favor of the defendants. Likewise, while the technical American constitutional prohibition against *ex post facto* law is not applicable here as such, the generally accepted principles that underlie that prohibition should be recognized. In this connection, we respectfully invite the Tribunal's attention to the draft report of the second session of the United Nations' Commission on Human Rights, held at Geneva in December 1947. At this session there was submitted a draft of an international covenant on human rights which contains what I believe to be an excellent statement of the principle *nullum crimen sine lege,* which Dr. Kubuschok referred to, and which we think defines its proper scope in an international penal proceeding such as this one. The draft has defined that principle in this manner: First, no person shall be held guilty of any offense on account of any act or omission which did not constitute such an offense at the time it was committed, nor shall he be liable to any greater punishment than that prescribed for such offense by the law in force at the time the offense was committed.

Second, nothing in this article shall prejudice the trial and punishment of any person for the commission of any act which,

at the time it was committed, was criminal according to the general principles of law recognized by civilized nations.

In other words, as it was put in the judgment of the Justice case, the rule against retroactive legislation should be regarded as "a principle of justice and fair play," and applied as such.

Now, with this background, I turn to the particular question raised by the motion, in particular whether the definition of crimes against humanity in Law No. 10 includes crimes committed prior to 1939. In approaching this question, it may assist matters if we state at the outset our understanding of what the IMT and Military Tribunals III and IV have previously decided in this general field, and what effect we believe this Tribunal should give to those judgments. So far as we know, those are the only three cases that bear on this point in any significant fashion.

The IMT construed the definition of crimes against humanity in Article 6 (*c*) of the London Charter as applying only to such crimes as were committed in execution of or in connection with war crimes or crimes against peace. This holding was based on certain language in the definition of crimes against humanity contained in the London Charter, which language is omitted from the definition of crimes against humanity contained in Law No. 10. Not only for this reason, but also because Law No. 10 and the London Charter are very different in their fundamental character and purposes, we believe that this holding of the IMT is clearly inapplicable in cases brought under Law No. 10.

The IMT also decided, as a matter of fact but not of law, that the prosecution in that case had not succeeded in establishing that the crimes against humanity which were charged to have been committed prior to 1939 were, in fact, committed in connection with crimes against peace.

This ruling was clearly intended to apply only on the basis of evidence presented before the IMT. It was, we submit, not intended to bind other Tribunals rendering judgment on the basis of other evidence, and therefore it follows that even if the IMT's view that crimes against humanity must be connected with war crimes and crimes against peace, be adopted, it is still open to the prosecution to show that such a connection in fact exists, and the prosecution has alleged in the indictment in this case that such a connection does exist.

Paragraph 6 of count one of the indictment is in essence a summary of count four, and furthermore, by paragraph 23 of the indictment all of count four is incorporated by reference in count one. The prosecution has therefore taken meticulous pains to specify that the crimes against humanity charged in count four were connected with the crimes against peace charged in count

one, and therefore, even under the IMT ruling which, we repeat, we believe to be inapplicable here, count four is not subject to dismissal.

JUDGE MAGUIRE: General, where in count four do you allege that the acts committed were in connection with or in pursuance of the commission of a crime against peace?

GENERAL TAYLOR: Well, Your Honor, I believe it is not in count four. I believe it is in count one, and I would submit that that is sufficient because the indictment must be regarded as a whole and paragraph 23 states that the allegations included in counts three to seven inclusive were committed as an integral part of the planning, preparation, initiation and waging of wars of aggression and invasion. With all respect, I would not suppose it governed whether that language appeared in count four or count one. I should think that since it is in the indictment that the allegation has been made in such connection as this is.

JUDGE MAGUIRE: Well, is it the prosecution's claim that any count in the indictment is aided so far as that count is concerned by allegations of fact or conclusions of law contained in another count?

GENERAL TAYLOR: Well, Your Honor, I don't know how I would answer that as a general proposition, but it does seem to me the indictment must be read as a whole and that if it appears to be specifically stated that the allegations in count four are of a certain character and have a certain connection, that the prosecution sufficiently alleged it. Again I would think the important thing is whether the necessary language is in the indictment and not whether we have put it in one count or the other.

JUDGE POWERS: Well, General, in count one, if proved, it would prove only the offense of aggressive warfare, wouldn't it? I don't know whether you heard me or not.

GENERAL TAYLOR: Yes, I did, Your Honor. Count one, if all the allegations were proved, would include the allegations in paragraph 4—in paragraph 6, which are in very summary form much the same as count four, and if paragraph 23 is proved, it would be proved that those things are in connection with aggressive war.

JUDGE POWERS: It wouldn't prove a crime against humanity?

GENERAL TAYLOR: It would, however, establish the necessary connection, it seems to me, Your Honor, so that a crime against humanity could be found. Now, passing from the IMT decision to the Justice case, the indictment in that case did not charge the defendants with committing crimes against humanity prior to 1939, but the indictment did charge the defendants with committing crimes against humanity against other German nationals after the outbreak of war. The Court convicted several of the

defendants of having committed such crimes against humanity and in its judgment Tribunal III employed reasoning which, we submit, is demonstrably valid and which clearly supports the legal sufficiency of count four in the indictment in this case.

In the Flick case, the indictment charged the defendants with the commission of crimes against humanity prior to 1939 in that they participated in the Aryanization of industrial properties belonging to Jews. Tribunal IV dismissed the count on two quite distinct grounds, one of which they referred to as the ground utilized as having no jurisdiction but stating in conclusion, and I quote: "Whether we hold that we have not jurisdiction or whether we assume jurisdiction and hold that no crime against humanity has been proved, the result so far as these defendants are concerned is the same. * * * Accordingly count three is dismissed."[1]

One of the grounds relied on by the Tribunal, the one expressly relied on, was that the definition of crimes against humanity in Law No. 10 does not include crimes committed prior to September 1939. With greatest respect to Tribunal IV, the prosecution submits that this conclusion is untenable. The other ground relied on by Tribunal IV was that the definition of crimes against humanity in Law No. 10 comprehended only atrocities, and I quote, "Such as affect the life and liberties of oppressed peoples,"[2] and that it does not comprehend transactions relating to industrial properties such as were charged in count three of the Flick case. The prosecution believes that this is a very substantial point and should be given full attention in the interpretation of the law in the present case, and we will shortly state our views with respect to this matter which we believe is the most important point raised by Dr. Kubuschok's motion.

The definition of crimes against humanity contained in the London Agreement, while it is similar in most respects to the definition in Law No. 10, differs in several respects including, as Dr. Kubuschok pointed out, that the language "before and after the war" is omitted and also in that the following limiting clause was omitted; reading, "in execution of or in connection with any crime within the jurisdiction of the Tribunal."

This clause doesn't appear in the definition in Law No. 10. It was this clause which was expressly relied on by the IMT in holding that crimes against humanity as defined in the London Charter did not, if we put it this way, stand on their own feet but must have been committed in execution of or in connection with crimes against peace or war crimes in order to come within

[1] United States *vs.* Friedrich Flick, et al., judgment, mimeographed transcript page 11014.
[2] Ibid., page 11013.

the jurisdiction of the Tribunal. This ruling of the IMT was analyzed at some length in the prosecution's opening statement in the Flick case, and we don't want to repeat now all that we said then, but in summary we pointed out that the effect which the IMT gave to the particular clause in question, is we believe, hard to justify and that it is far more probable that the clause was intended to make it clear that the definition was not meant to embrace private or occasional crimes or local petty persecutions but only such wholesale campaigns of eradication as are condemned by civilized usage as contrary to the law of nations.

We also pointed out that this portion of the IMT's judgment has been strongly criticized in writings, among others by Mr. Henry L. Stimson, on the ground that it tends to make the definition of crimes against humanity practically meaningless and we drew attention to the subsequent comments of the French member of the IMT which made it clear that, so far as he was concerned, he personally disapproved of the concept of crimes against humanity, and therefore refused to give this portion of the London Charter any practical consequences. Those are his own words, and indeed, that he emptied them of their substance, again his own words. But these speculations about the London Agreement and the IMT decision are, we submit, academic. The indictment in this case is not brought under the London Agreement, but under Law No. 10. The definition of crimes against humanity in Law No. 10 is not identical with that in the London Charter, and one of the differences is that the words which I quoted before, which provided the sole basis for the limiting ruling made by the IMT, do not appear in Law No. 10 and with respect to this circumstance, Tribunal IV in its judgment in the Flick case stated: "It is argued that the omission of this phrase from Control Council Law No. 10 evidences an intent to broaden the jurisdiction of this Tribunal to include such crimes. We find no support for the argument in the express language of Law No. 10. To reach the desired conclusion its advocates must resolve ambiguity by a process of statutory construction. Jurisdiction is not to be presumed. A court should not reach out for power beyond the clearly defined bounds of its chartering legislation."*

Now, this statement of general principles of statutory construction is, we submit, irreproachable, but it is one thing to resolve ambiguities in favor of the accused, and quite another to create ambiguities where none in fact exist, and with all respect we believe that is what had been done in that case. For example, a statute which defines and punishes the crime of murder is not

* Ibid., page 11009.

ambiguous if it fails to specify expressly that its prohibition extends to murder accomplished by poison or murder committed in the month of June 1952. Murder accomplished by poison or committed at a specific time are clearly within the definition of the general prohibition and no express language is needed. The application of these principles to the question at issue, we think, is clear. Since Law No. 10 is a declaration of pre-existing law, it must operate retrospectively. There is nothing in the definition of crimes against humanity to suggest that its retrospective operation is effective only as far back as September 1939. We submit there is no ambiguity. The proponents of the view that its retrospective operation is limited to the period of the war can point to no express language in support of such a view. They are relegated to a process of statutory construction which we submit is demonstrably invalid. Indeed, the very fact that this clause appeared in the definition of the London Charter, but not in the definition of Law No. 10, we think serves only to emphasize the clear and unambiguous meaning of Law No. 10. The London Agreement and Law No. 10 are very different kinds of legal instruments, and Law No. 10 is not an amendment of the London Charter; but the London Charter was in the hand of those who promulgated Law No. 10, as the preamble and Article I of Law No. 10 make abundantly clear, and it is a well recognized principle of construction that changes in language are presumed to be meaningful rather than meaningless.

As Tribunal III stated in its judgment in the Justice case, and I quote:* "The evidence to be later reviewed establishes that certain inhumane acts charged in count three of the indictment were committed in execution of, and in connection with, aggressive war and were therefore crimes against humanity even under the provisions of the IMT Charter, but it must be noted that Control Council Law No. 10 differs materially from the Charter. The latter defines crimes against humanity as inhumane acts and so forth, committed, 'in execution of, or in connection with, any crime within the jurisdiction of the Tribunal,' whereas in Control Council Law No. 10 the words last quoted are deliberately omitted from the definition."

Finally, if anything more is needed, and in this I am directing my remarks to Dr. Kubuschok's observation about the omission of the words "before and during the war," the question we think is set at rest by the express language of paragraph 5 of Article II of Law No. 10 which states that: "In any trial or prosecution for a crime herein referred to, the accused shall not be entitled to the benefits of any statute of limitation in respect of the period

* United States *vs.* Josef Altstoetter, et al., Volume III, this series, page 974.

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from 30 January 1933 to 1 July 1945, nor shall any immunity, pardon, or amnesty granted under the Nazi regime be admitted as a bar to trial or punishment." This provision we think makes it clear by express language that Law No. 10 operates retrospectively back to 30 January 1933 which was the day of Hitler's appointment as Chancellor, and we think it perfectly clear that a primary purpose of this paragraph was to furnish a basis for the prosecution of crimes against humanity committed after Hitler's appointment as Chancellor, but prior to the outbreak of war because, so far as crimes against peace are concerned there were, so far as we know, no German municipal statutes recognizing or punishing crimes against peace to which statutes of limitation might have applied, nor were there any Nazi amnesties or pardons with respect thereto, and as to war crimes, this provision can only be effective as far back as 1939 or at the most, 1938, because the laws of war cannot have come into play at the very earliest before the annexation of Austria in 1938, and it follows that the quoted paragraph has substantive effect between 1933 and 1938 only with respect to crimes against humanity, and it is a cardinal principle that statutes are to be construed so as to give effect to their provisions, not to nullify them.

In summary, we take the position that crimes against humanity are one of the three independent categories of crimes defined in Law No. 10 and are punishable by Tribunals established under Law No. 10 if committed at any time after 30 January 1933. There is, we submit, no ambiguity, and this conclusion is required by the express language of Law No. 10. And, indeed, no other conclusion is possible in the light of the general character and purposes of Law No. 10. To repeat once more, the IMT was enforcing an international agreement, terminable on one month's notice by any one of the signatories thereto for the punishment of European Axis war criminals, but this Tribunal is enforcing an enactment in the nature of a statute by the Allied Control Council. This enactment expressly states that it is concerned with crimes committed by Germans against other Germans, and is part of the occupational machinery having for its purpose the "eventual reconstruction of German political life on a democratic basis." Law No. 10 expressly states that its purpose is "to establish a uniform legal basis in Germany for the prosecution of war criminals and other similar offenders." We must not overlook the fact that in at least one of the other zones of occupation—the French zone—German courts have been authorized to enforce Law No. 10 with respect to crimes committed against persons of German citizenship or nationality. Such authority might in the future be delegated to German courts in the Amer-

ican zone. We think it would be little short of catastrophic if these German tribunals were to be confronted with the ruling that Law No. 10 does not apply to murders and other crimes against humanity committed under Hitler between 1933 and 1939. The punishment of such crimes is a primary purpose of Law No. 10 and a vital step in the reconstruction of a democratic Germany.

Now to meet all this Dr. Kubuschok has suggested—and there is a suggestion, if not an express statement, in the judgment in the Flick case—that this question should be decided on the basis of the language of the London Charter and not of Law No. 10. In one of the other cases now pending before these Tribunals—the Farben case—the defense counsel have openly taken the position that Law No. 10 must be regarded as a nullity except to the extent to which it embodies the provisions of the London Charter. Several arguments have been made in support of this proposition which, we submit, is entirely without foundation.

Now it is true, of course, as Tribunal IV pointed out in the Flick case, that Article I of Law No. 10 states that the Moscow Declaration and the London Agreement "are made integral parts of this law." The reasons for this are clear enough. The Moscow Declaration was a statement of international policy with respect to war crimes and other atrocities by the powers to which Germany surrendered. The London Agreement contains various provisions essential to the implementation of Law No. 10. One of the important purposes of Law No. 10, for instance, is the trial and punishment of persons convicted of membership in organizations declared criminal by the IMT under the provisions of the London Charter, and in this respect Law No. 10 serves to implement Articles 9, 10, and 11 of the London Charter.

But it by no means follows from all this that Law No. 10 is a nullity insofar as it expands, contracts, alters, or otherwise departs from the London Charter. The Moscow Declaration is also "made an integral part of Law No. 10," but certainly no one could argue that Law No. 10 cannot legitimately go beyond the Moscow Declaration, and there is no better reason for taking such a position with respect to the London Agreement. The London Agreement may, to be sure, be looked to as an aid to the construction and interpretation of Law No. 10, but there is no warrant for declaring that the language of the London Agreement should prevail over or nullify express language in Law No. 10, which is the jurisdictional charter and basis of this Tribunal. And, indeed, to give the London Charter such over-riding effect would be in direct contravention of the London Agreement itself, which provides in Article 6, and I quote:

"Nothing in this agreement shall prejudice the jurisdiction or the powers of any national or occupation court established or to be established in any Allied territory or in Germany for the trial of war criminals."

Now from time to time it is suggested in these proceedings that for some reason Law No. 10 is not of equal dignity with the London Agreement. It seems to me that rather the contrary is the case. We have pointed out that the London Agreement is terminable upon one month's notice by any of the four signatories. Law No. 10, on the other hand, is in the nature of a legislative act. It was enacted by the same four powers who enacted the London Agreement. In Law No. 10 these four powers acted in a legislative fashion through their representatives, constituting the Allied Control Council, who are authorized to carry out the occupation of Germany. The Allied Control Council is the very body which was authorized to review the sentences imposed by the IMT under the London Agreement, and we call attention also to Article I of the London Agreement which provided that the IMT should be set up in consultation with the Control Council. We can see absolutely no basis for the suggestion that as an international juridical instrument Law No. 10 is not of equal or greater dignity than the London Agreement.

Now, finally, in support of their position that Law No. 10 must be construed within the limits of the exact language of the London Charter, defense counsel in the Farben Case,* and Dr. Kubuschok, a few moments ago, have also argued that a contrary result would violate the principle that there can be no punishment of crime without preexisting law. So I will now advert briefly to that question in order to show that no problem of "*ex post facto* law" arises under the definition of crimes against humanity in Law No. 10 properly construed.

JUDGE MAGUIRE: Before you proceed to that portion of your argument, General, could you cite to us the document or order whereby the Control Council was constituted and what powers were conferred upon it by its originating document?

GENERAL TAYLOR: Well, Your Honor, I am afraid I can't do that extemporaneously. I can provide it immediately after the conclusion of the argument.

JUDGE MAGUIRE: If you would be so good as to do that, we would appreciate it.

GENERAL TAYLOR: Yes, indeed.

So I turn to the concept of crimes against humanity as a concept of international penal law. It needs no elaborate research to

* United States *vs.* Carl Krauch, et al., case 6, Volumes VII and VIII, this series.

ascertain that international penal law has long recognized the international character of certain types of atrocities and offenses shocking to the moral sense of all civilized nations. As of scholarly interest we are handing up to the Court a description of an international trial held in 1474 at Breisach on the Upper Rhine, only a few hundred kilometers from Nuernberg. The defendant in that case, Sir Peter of Hagenbach, was accused of murders and other outrages committed in his capacity as Governor of Breisach under the authority of Duke Charles of Burgundy, known to history as Charles the Bold. After the death of Charles the Bold, Sir Peter was tried on 4 May 1474 in the market place of Breisach. The acts of which he was accused were not committed during actual hostilities or in time of war and, therefore, under our modern terminology would be akin more to crimes against humanity than to war crimes. The judges were delegated by various cities and towns in the Holy Roman Empire and by several Swiss towns. The Public Prosecutor, Henry Iselin of Basel, Switzerland, accused Sir Peter of having committed deeds which outraged all notions of humanity and justice and constituted crimes under natural law; in the words of the prosecutor, the accused had "trampled underfoot the laws of God and men." Sir Peter of Hagenbach relied on the defense of superior orders, claiming that he had done only what the Duke of Burgundy ordered him to do. His advocate also contested the jurisdiction of the tribunal. After deliberation, the judges determined that they had jurisdiction, overruled the plea of superior orders, found Hagenbach guilty. The sentence was thereafter carried out by the marshal of the tribunal.

The doctrine that certain types of atrocities have international legal significance developed even more rapidly during the 19th Century and the early part of the 20th Century. As Tribunal IV stated in its judgment in the Justice case, I quote:

> " * * * it can no longer be said that violations of the laws and customs of war are the only offenses recognized by common international law. The force of circumstance, the grim fact of world-wide interdependence, and the moral pressure of public opinion have resulted in international recognition that certain crimes against humanity committed by Nazi authority against German nationals constituted violations not alone of statute but also of common international law."*

There is no need at this time to reexamine and restate all of the precedents in treaties, declarations, and learned treatises, which established beyond question that massacres and other categories

* United States *vs.* Josef Altstoetter, et al., Volume III, page 979.

of atrocities on racial and religious grounds are and have been for many years recognized as criminal under international penal law. The legal history of crimes against humanity was traced by Tribunal III in its opinion. The declarations of high governmental officials and legal experts of many countries—England, France, Russia, the United States and Germany—are cited therein. As was stated by Sir Hartley Shawcross, the British Chief Prosecutor, before the IMT:

> "The right of humanitarian intervention on behalf of the rights of man, trampled upon by a State in a manner shocking to the sense of mankind, has long been considered to form part of the recognized law of nations. Here, too, the Charter merely develops a preexisting principle."[1]

Many years earlier in 1878 the famous German-law professor, Bluntschli, wrote:

> "States are allowed to interfere in the name of international law if 'humanity rights' are violated to the detriment of any single race."[2]

And, finally, one of the purposes of American intervention in Cuba in 1898 was, as President McKinley stated in his special message to Congress:

> "In the cause of humanity and to put an end to the barbarities, bloodshed, starvation and horrible miseries now existing there, and which the parties to the conflict are either unable or unwilling to stop or mitigate. It is no answer to say this is all in another country, belonging to another nation, and therefore none of our business. It is specially our duty, for it is right at our door."[3]

There can be no doubt, in summary, that murderous persecutions and massacres of civilian population groups were clearly recognized as contrary to the law of nations and, as crimes, came under international penal law, long before the First World War. And, giving full scope to the principle against *ex post facto* punishment as a principle of justice and fair play, there can be no objection to the punishment of such crimes in this case. But, before passing to other questions, it should be pointed out that, under modern conditions, international penal law should not be enforced by unilateral armed intervention of the types I have just cited, as was the only method for its enforcement until recent years. Indeed, lacking some vehicle for true collective

[1] Trial of the Major War Criminals, *op. cit.*, Volume III, page 92.

[2] J. C. Bluntschli, Professor of Law, Heidelberg University, in "Das Moderne Voelkerrecht der Civilisierton Staaten," (3d ed.) page 270 (1878).

[3] President's Special Message of 11 April 1898. Hyde, *op. cit.*, Volume I, page 259.

action, interventions were probably the only possible sanction of that time, but they are outmoded and cannot be resorted to in these times either safely or effectively.

But the fact that a particular method of enforcing law has become outmoded does not mean that what was previously a recognized crime at international law is such no longer. International law is going through a transition which municipal criminal law passed through centuries ago. International society has now reached the point where the enforcement of international criminal law must be by true collective action through an agent, whether the United Nations, a World Court, or what you will, truly representative of all civilized nations, and this Tribunal is such an agent. It renders judgment under a statute enacted by the four great powers in charge of the occupation of Germany, and although constituted by the American occupation authorities, it is in substance an international tribunal. Therefore, we think there is no basis for the fear which was expressed by the distinguished French member of the IMT, and referred to in the Flick judgment, that the doctrine of crimes against humanity "offers a pretext to intervention by a State in the internal affairs of weaker States".[1] As was pointed out in the Justice judgment, I quote:

" * * * it is important to distinguish between the rules of common international law which are of universal and superior authority on the one hand, and the provisions for enforcement of those rules which are by no means universal on the other."[2]

Tribunal III went on to state and I quote again:

" * * * enforcement of international law has been traditionally subject to practical limitations. Within the territorial boundaries of a State having a recognized, functioning government presently in the exercise of sovereign power throughout its territory, a violator of the rules of international law could be punished only by the authority of the officials of that State. The law is universal, but such a State reserves unto itself the exclusive power within its boundaries to apply or withhold sanctions. Thus, notwithstanding the paramount authority of the substantive rules of common international law, the doctrines of national sovereignty have been preserved through the control of enforcement machinery. * * * Violators of international law could, no doubt, be tried and punished by the State of which they were nationals, by the offended State if it can secure jurisdiction of the person, or by an international tribunal if of competent authorized jurisdiction. * * * In Germany an international body (to wit, the

[1] United States *vs.* Friedrich Flick, et al., case 5, judgment, mimeographed transcript page 11011.

[2] United States *vs.* Josef Altstoetter, et al., case 3, Volume III, this series, page 969.

Control Council) has assumed and exercised the power to establish judicial machinery for the punishment of those who have violated the rules of the common international law, a power which no international authority without consent could assume or exercise within a State having a national government presently in the exercise of its sovereign powers."*

I come now to what I believe to be the most substantial question raised by Dr. Kubuschok's motion. We stated at the outset that, in any case of real doubt, the language of Law No. 10 should be construed in favor of the defendants. We likewise stated that the rule against retroactive legislation should be regarded as a principle of "justice and fair play," and applied as such. The prosecution does not suggest that these principles should be accorded only lip service. On the contrary, they have a very real application in construing the definition of crimes against humanity in Law No. 10. But neither justice nor law suggests that these principles will be served by the artificial fixing of a date, unwarranted by anything in the language of Law No. 10, prior to which the law would not be applied. The principles of strict construction and against retroactive legislation should be applied, not to words and phrases which are not found in the statute, but to words and phrases which are present and which must be interpreted and construed. And, obviously, there are some important problems of construction. Certain of the words used in the definition—such as murder, enslavement, deportation, imprisonment, and rape—have acquired over the course of years a well defined legal meaning. But obviously not every murder or rape is a crime against humanity within the definition. Likewise, the definition includes such phrases as "atrocities and offenses," "other inhumane acts," and "persecutions." These words do not have so well developed a meaning as expressions such as "murder" and "rape." In construing these expressions, the Court must apply a strict interpretation favorable to the defendants, and avoid violation of the principle against retroactive legislation.

In dismissing count three in the Flick case, Tribunal IV declared that seizures of industrial property pursuant to the "Aryanization" program charged in that count did not constitute crimes against humanity as defined in Law No. 10. The prosecution suggests that this portion of the Flick judgment dismissing count three is, in numerous places, as sound as the portion declining to take jurisdiction over crimes charged to have been committed prior to 1939 is unsound. In holding that the alleged seizures of industrial properties did not constitute crimes against humanity, Tribunal IV stated, and I quote:

* Ibid., pages 970 and 971.

"The law existing when the defendants acted is controlling. To the extent that Law No. 10 declares or codifies that law, and no further, is this Tribunal willing to go. Under the basic law of many states the taking of property by the sovereign, without just compensation, is forbidden, but usually it is not considered a crime. A sale compelled by pressure or duress may be questioned in a court of equity, but, so far as we are informed, such use of pressure, even on racial or religious grounds, has never been thought to be a crime against humanity. A distinction could be made between industrial property and the dwellings, household furnishings and food supplies of a persecuted people. In this case, however, we are only concerned with industrial property, a large portion of which (ore and coal mines) constitutes natural resources in which the State has a peculiar interest.

* * * * * * *

"Under the doctrine of *ejusdem generis* the catch-all words 'other persecutions' must be deemed to include only such as affect the life and liberty of the oppressed peoples. * * * It may be added that the presence in this section of the words 'against any civilian population,' recently led Tribunal III to 'hold that crimes against humanity as defined in Control Council Law No. 10 must be strictly construed to exclude isolated cases of atrocity or persecution whether committed by private individuals or by governmental authority.' United States *vs.* Altstoetter et al., decided 4 December 1947: 'The transactions before us, if otherwise within the contemplation of Law No. 10 as crimes against humanity, would be excluded by this holding'."*

I discuss now the *ex post facto* principle in the construction of Law No. 10.

Carrying out the general principles announced in the Flick judgment, the prosecution believes that, in construing the definition of crimes against humanity in Law No. 10, the rule against retroactive legislation requires that the acts charged as crimes must fulfill one of two requirements; as a matter of fact, it is hard to imagine any act which fulfills one of these requirements which would not also fulfill the other. Either the act charged must be of the type which has long been recognized as a crime at international law, or it must be an act such as murder or rape or other well-known crime under the domestic penal law of Germany and other civilized nations. Within the field of international penal law, we do not believe that localized outbursts of race hatred or petty discriminations have ever been regarded as

* United States *vs.* Friedrich Flick, et al., judgment, mimeographed transcript pages 11010, 11013.

having international penal significance. At the opposite end of the scale are wholesale, nationwide campaigns to make life intolerable for, to expel, to degrade, to enslave, or to exterminate large groups of the civilian population. This type of atrocious persecution has long been recognized as criminal at international law, and the punishment of such crimes in this case does not violate the principle against retroactive legislation. Nor is that principle violated by the punishment in this case of well recognized crimes such as murder, enslavement, and rape, which have long been crimes under the domestic penal law of Germany and other civilized nations. As Tribunal III stated in the Justice judgment, I quote:

> "It is true that this Tribunal can try no defendant merely because of a violation of the German penal code, but it is equally true that the rule against retrospective legislation, as a rule of justice and fair play, should be no defense if the act which he committed in violation of Control Council Law No. 10 was also known to him to be a punishable crime under his own domestic law."[1]

The principle against retroactive legislation is, of course, not the only limitation on the definition of crimes against humanity in Law No. 10. It would not violate that principle for a man to be tried before this Tribunal for an ordinary murder, but clearly Law No. 10 is not intended to cover ordinary murders. As the prosecution declared in its opening statement in the Flick case, "Private and occasional murders and sex offenses, such as unfortunately occur even in the most orderly and democratic nations, are not within its intendment."[2] Or, as was more authoritatively declared in the Justice judgment:

> "As we construe it, that section provides for punishment of crimes committed against German nationals only where there is proof of conscious participation in systematic, government-organized or approved procedures, amounting to atrocities and offenses of the kind specified in the act and committed against populations or amounting to persecutions on political, racial, or religious grounds."[3]

Now, if we apply the foregoing principles to the charges set forth in count four of the indictment, it will clearly be seen that these charges fall well within the definition of crimes against humanity in Law No. 10, strictly construed and giving full scope

[1] United States *vs.* Josef Altstoetter, et al., case 3, Volume III, page 977.

[2] United States *vs.* Friedrich Flick, et al., case 5, opening statement by prosecution, transcript page 106.

[3] United States *vs.* Josef Altstoetter, et al., case 3, Volume III, page 982.

to the principle against retroactive legislation. Of the thirteen defendants charged under count four, one only—the defendant Rasche—was not a governmental official. Under paragraph 36 of count four and under count five, Rasche is charged with the same general type of a crime as was the basis for the conviction of Flick and Steinbrinck on count four in the Flick case. The other twelve defendants charged are all leading governmental officials. They were the framers and signers of decrees, the executives, the propagandists and political leaders who conceived and put into execution the systematic criminal program charged in count four. Unlike count three of the Flick case, which charged the defendants there only with participation as private individuals in four particular episodes involving the "Aryanization" of industrial property, the charges in count four of this case include atrocious crimes and offenses such as murder, imprisonment, deportation, and plunder. The charges, therefore, fall well outside of the limiting principles applied by Tribunal IV in the Flick case, and well within the declaration setting forth the principle of strict construction in the opinion in the Justice case, where it was held:

> " * * * that crimes against humanity as defined in Control Council Law No. 10 must be strictly construed to exclude isolated cases of atrocity or persecution whether committed by private individuals or by a governmental authority."*

Now, among the allegations in count four there are various acts charged which, standing by themselves, might fall short of the requirements which we have hereinbefore stated. Thus, for example, under paragraphs 34 and 35 of the indictment, relating to persecution of Jews, the acts charged do include murder, imprisonment, and other mistreatment, but they also include economic boycotts, the deprivation of various of their civil rights, and a general program for their economic impoverishment. As to such allegations, the prosecution must show that these acts form part of a general pattern or program, in which the defendants participated, amounting to a systematic program for the persecution of Jews or other groups of the civilian population of sufficient scale and violence to fall within the clear intendment of Law No. 10. Thus, in the Justice case, the defendant Rothenberger was charged with participating in the enactment of legislation which deprived Jewish paupers of the aid of the courts. With respect to this charge, Tribunal III stated:

> "It is true that the denial to Jews of the right to proceed in civil litigation without advancement of costs appears to be

* Ibid.

a small matter compared to the extermination of Jews by the millions under other procedures. It is nevertheless a part of the government-organized plan for the persecution of the Jews, not only by murder and imprisonment, but by depriving them of the means of livelihood and of equal rights in the courts of law."[1]

Earlier in the judgment in the Justice case, Tribunal III made a more general pronouncement of the test to be applied in determining the legality or illegality of conduct charged as crimes against humanity under Law No. 10:

"The overt acts of the several defendants must be seen and understood as deliberate contributions toward the effectuation of the policy of the Party and State. The discriminatory laws themselves formed the subject matter of war crimes and crimes against humanity with which the defendants are charged. The material facts which must be proved in any case are: (1) the fact of the great pattern or plan of racial persecution and extermination; and (2) specific conduct of the individual defendant in furtherance of the plan. This is but an application of general concepts of criminal law. The person who persuades another to commit murder, the person who furnishes the lethal weapon for the purpose of its commission, and the person who pulls the trigger are all principals or accessories to the crime.[2]

"We turn to the national pattern or plan for racial extermination.

"Fundamentally, the program was one for the actual extermination of Jews and Poles, either by means of killing or by confinement in concentration camps, which merely made death slower and more painful. But lesser forms of racial persecution were universally practiced by governmental authority and constituted an integral part in the general policy of the Reich. We have already noted the decree by which Jews were excluded from the legal profession. Intermarriage between Jews and persons of German blood was prohibited. Sexual intercourse between Jews and German nationals was punished with extreme severity by the courts. By other decrees Jews were almost completely expelled from public service, from educational institutions, and from many business enterprises. Upon the death of a Jew, his property was confiscated.

"The pattern and plan of racial persecution has been made clear. General knowledge of the broad outlines thereof, in all its immensity, has been brought home to the defendants.

[1] Ibid., page 1114.
[2] Ibid., page 1063.

The remaining question is whether or not the evidence proves beyond a reasonable doubt in the case of the individual defendants that they each consciously participated in the plan or took a consenting part therein."

Count four states a valid charge under Control Council Law No. 10. I honestly submit, on behalf of all we have said, that the motion to dismiss count four must fail. By its express terms, Law No. 10 covers acts committed on or after 30 January 1933. Under the laws referring to the statute of limitations, and granting every benefit to the defendants from the rules against retroactive legislation and favoring strict construction of the criminal statutes, nevertheless it is clear that count four states a valid charge under the definition of crimes against humanity in Law No. 10. With respect to certain particular allegations against individual defendants, the prosecution may or may not be able to show that such acts were part of an over-all governmental system and program for the degradation and extermination of groups of the civilian population. If the prosecution fails to establish such a connection beyond a reasonable doubt, the charge will not be proved, but these matters can only be decided on the evidence, not on the basis of a motion.

We point out once again, parenthetically, the point which has already been adverted to and discussed between the bench and the podium—that count four, we believe, is not subject to a motion to dismiss even if weighed under the London Agreement and the IMT decision. The IMT did not hold that no crimes against humanity prior to 1939 are cognizable under the London Agreement. It held only on the basis of the evidence offered in that case that "the Tribunal therefore cannot make a general declaration that the acts before 1939 were crimes against humanity within the meaning of the Charter." This language is very guarded and cautious, and obviously was worded so as not to constitute a determination with respect to any particular crimes or to govern other proceedings in which other evidence is offered.

Finally, and chiefly for logical symmetry, we must make one further point. Even if we assume that no crimes against humanity prior to 1939 are judicially cognizable here, the evidence which has been assembled under count four should be received because it is relevant to the other counts of the indictment—chiefly, but not only, to count five.

Thus, in the Justice case where, in contrast to this case, the indictment did not charge the commission of any overt criminal acts prior to September 1939, the Tribunal nevertheless received evidence dating back to 1933, stating:

"The conduct of the defendants must be seen in a context of preparation for aggressive war, and must be interpreted as within the framework of the criminal law and judicial system of the Third Reich. We shall, therefore, next consider the legal and judicial process by which the entire judicial system was transformed into a tool for the propagation of the National Socialist ideology, the extermination of opposition thereto, and the advancement of plans for aggressive war and world conquest. Though the overt acts with which defendants are charged occurred after September 1939, the evidence now to be considered will make clear the conditions under which the defendants acted and will show knowledge, intent, and motive on their part, for in the period of preparation some of the defendants played a leading part in molding the judicial system which they later employed."[1]

Precisely the same situation confronts us in this case. The charges in count four of the indictment are part of a chain of evidence related, roughly chronologically, in counts four and five of the indictment. The acts charged in count four are, in the words of Tribunal III, relevant to show "knowledge, intent, and motive," and to "make clear the conditions under which the defendants acted." Exactly the same thing was done in the IMT case. Although no defendant was convicted and no accused organization was declared criminal on the basis of crimes against humanity committed prior to 1939, the evidence covering the prewar period was considered, at countless places in the IMT judgment, to assist in determining knowledge and motive. The same is true of the Flick case. Thus, Flick and Steinbrinck were convicted under count four of the indictment only on the basis of their acts after 1939, but the Court did carefully examine the evidence relating to their conduct between 1933 and 1939 in order to determine their motives and the extent of their guilty knowledge. We invite the Tribunal's attention, for instance, to the discussion of Flick's visit to the Dachau concentration camp under Himmler's auspices in 1936, discussed in the judgment in the Flick case.[2]

Your Honors, the various points in the statement we have made, references to judgments, documents, or other authorities, with your permission we will hand up the entire instrument—in order to save time—with those references so that the Court will have them on the record, and defense counsel will have them in German.

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[1] Ibid., page 988.

[2] United States *vs.* Friedrich Flick, et al., Case 5, judgment, transcript page 11017.

JUDGE MAGUIRE: Whether we will have time to discuss this particular matter before recess, I do not know, but I would like to hear you—either now or after recess—on a question that has given me some difficulty, namely, the preamble to Control Council Law No. 10, which recites that, "in order to give effect to the terms of the Moscow Declaration of 30 October 1943 and the London Agreement of 8 August 1945, and the Charter issued pursuant thereto, and in order to establish a uniform legal basis * * * the Control Council enacts as follows":

Now, if in those documents recited, and particularly in the Charter, there is a limitation upon the period of time which can be charged—or which constitute a crime if done within that period or before that period—then how can Control Council Law No. 10, if it is to give effect to that limitation, be held to destroy it?

GENERAL TAYLOR: May I answer that now, Your Honor?

JUDGE MAGUIRE: Yes, if the film will give time.

GENERAL TAYLOR: I have two comments, Your Honor. First, I believe that there is no limitation of time in the London Charter with respect to crimes against humanity.

JUDGE MAGUIRE: You are correct on that.

GENERAL TAYLOR: It is not a limit of time at all.

JUDGE MAGUIRE: It is the objective connection with the pursuance of it—

GENERAL TAYLOR: Well, second, as I pointed out, Law No. 10 is a different kind of juridical instrument from the London Charter, and it seems to me most natural that Law No. 10 has objectives which the Charter did not comprehend. In this preamble, it is not stated that the only purpose is to give effect to the London Agreement or Moscow Declaration, but that is one of two purposes stated. Finally, I would have supposed that a preamble, while useful in order to get the general background to aid in the construction of a statute, would give way to the precise language of the substantive provisions.

JUDGE MAGUIRE: I get your position on that. The next question is this. If the Charter or those agreements contained limitations, as was held in the IMT case, and they are made an integral part of the law, of Control Council Law No. 10, and you then have therefore a conflict between one part of the law and a second part of the law—one part being the limitation of scope and purpose found in the Charter and the other what you claim to be an enlargement of jurisdiction, found in the subsequent definitions in Article 2—how do you reconcile that kind of a situation?

GENERAL TAYLOR: Your Honors, I should think that the refer-

ences in Article 1 to the Moscow Declaration and the London Agreement are inserted to make it clear that those documents may and should be looked to in order to illuminate and carry out the purposes of Law No. 10, but I should hardly think that they are inserted there for the purpose of nullifying express provisions contained later in the statute.

E. Concluding Oral Argument of the Defense on the Defense Motion to Dismiss Count Four*

PRESIDING JUDGE CHRISTIANSON: Dr. Kubuschok, you wish to be heard in reply? If so, you may proceed.

DR. KUBUSCHOK: General Taylor took up many important and interesting judicial problems and gave some profound explanation on some of them; however, I believe that, pursuant to these general considerations which, it is true, will one day play some part in this trial, but which very often have no direct connection with the motion tendered here, we should not be tempted to go into detail in answer to these explanations.

I think I can confine myself to answering those parts of the prosecutor's statements which are in direct connection with our motion.

First of all, in procedural respect, General Taylor mentioned that under certain conditions it is necessary to serve a plenary decision to solve a problem raised, and he bases himself for this on Ordinance No. 11. In answer to this I would like to say that Ordinance 11 is not mandatory law, but only furnishes the possibility to have such questions brought before a plenary body for decision. Apart from that, the course that matters have taken as well as the motion that I tendered to this Tribunal, the Tribunal's decision to have the matter decided by itself, as well as the prosecution's answer, show clearly that all participants are of the opinion that this question is to be decided now and before this Tribunal here.

Moreover, there would be no substantive legal principle in existence which would authorize the decision to be made by a plenary body, because as a matter of fact, my motion does not deviate from any announcement or decisions passed to date by any of the other Tribunals.

There are three judgments which were quoted by General Taylor. First of all the judgment in the Milch trial [sic]. From his further statements I was unable to gather to which specific points of the Milch judgment he was referring to base his own opinions on. From what I know of the Milch judgment, I be-

* Recorded in the mimeographed transcript (2 Mar. 1948), pages 2564–2570.

lieve that I have to answer it absolutely in the negative that any action which is prior in date to the Polish campaign could be charged against Milch under criminal law.

The second judgment, to which reference was made, is that in the case of the Flick trial. The judgment itself is so unambiguous, so very clear, that surely it is not necessary for me to go into details here. The judgment says specifically, and with great clarity, that any actions which date prior to 1939 and which have no connections with the two major types of crimes, cannot be charged or tried. It is my opinion that the Chief Prosecutor emphasized, and unjustly so, the type of criminal offense which was under indictment in this specific case. The type of the offense or crime has nothing whatsoever to do with the judgment of the Tribunal which tried the case. In its judgment, the Tribunal took up questions of a general nature and, in order to support its own verdict, it went into profound details concerning the judicial basis, and it did not confine itself exclusively to the one crime which was the subject matter of the judgment; but beyond this, it dealt with the general judicial question which is also the subject matter of my motion.

There is one further judgment, namely that in the Justice trial, to which General Taylor made reference. And first of all I have to clarify that the prosecution in that trial did not specially indict any crimes or actions whatsoever prior to 1939, with the result that the judgment of Tribunal III did not have to pass any judgment on such questions. The judgment, however, does handle in detail the question as to whether crimes against humanity may be tried and may be judged, which were perpetrated against Germans exclusively. This question was answered in the affirmative and did not represent a complicated judicial problem in view of the charter of the IMT, which was also used for the limitation and interpretation of Control Council Law No. 10.

Tribunal III without any further reasons, so to say *"en passant,"* makes reference to the fact that the legislator in enacting the Control Council Law No. 10 deliberately omitted the clause according to which a connection between the deed and the other two major crimes would be a prerequisite, however, the judgment in the Justice case fails to give specific reasons as to what they mean and what judicial conclusions the Tribunal drew therefrom. It wasn't necessary to give such reasons or conclusions because, as already stated by me, the Tribunal, in judging, did not judge on any deeds which represented crimes of their own, perpetrated within the period of time within 1933 and 1939.

I, myself, am also of the opinion that the legislator, in enacting Law No. 10, is most deliberate in omitting this clause as well

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as any further limitations in time, as contained in the Charter, namely the limitation to offenses and crimes committed prior to the war and after the war. It was proposed not to apply this limitation in time in any case, because the Charter itself discloses the limitation in time and it was not desired to repeat the provisions of the London Agreement in the Charter. I therefore believe that the prejudicial aspects, described up to now, will not result in any divergent comments or decisions to be taken in answer to my motion but that, rather in the sense of the IMT judgment and in accordance with judgments passed up to now by the Military Tribunals, this Tribunal will decide on my motion too. The prosecutor submits, in the way of argument, that actions committed after 1 January 1933 are to be included under the penal provisions of Control Council Law No. 10 because Article II, paragraph 5, contains the provision that pardons and amnesties which date to the time between 30 January 1933 and 1 July 1945 may not be given consideration. I am unable to concur with this trend of argumentation. There is no doubt that even, according to Control Law No. 10, actions and deeds committed prior to 1933 are subject to punishment.

May I remind you of crimes against peace. In some manner it had to be established that those pardons and amnesties, which were passed in a time causing the legislator of Control Council Law No. 10 to have certain misgivings, may not be used and applied as justification of judgment to be passed. In any case the mere mention of this limitation of time which has specific reference to the exclusion of consideration to be given to amnesties, does not permit us to conclude that Allied Control Council Law No. 10 may be absolutely and extensively applied under all circumstances. The prosecutor has stated that Control Council Law No. 10 is a law; whereas the London Agreement is an agreement, as the title implies, subject to renouncement. Therefore we have to emphasize and place particular weight on Control Council Law No. 10. This might be right if the London Agreement and Allied Control Council Law No. 10 were presented to us as having no connection with each other. If, however, in Control Council Law No. 10, the London Agreement and particularly the Charter is made an integral part of the law itself, then it is a matter of course that for the interpretation of Law No. 10, the London Agreement and the Charter must receive consideration. In conclusion, General Taylor referred to the fact that it is necessary to extend the limitation in time because the crimes under consideration are crimes the judgment on which will serve to bring about the establishment of a democratic Germany. I have to oppose this by saying that there are many aims which

cannot simply be implemented and carried out by any law, whatever it may be. As a matter of fact in Germany this aim, too, is being pursued, although it is true by other means, by the aims and achievements of the Control Council and other agencies. Daily we experience those crimes which were emphasized by General Taylor, murder and all major crimes which were committed in that time, being judged by German courts who are imposing grave punishment. Furthermore, we see that an attempt has been made to bring about a democratic Germany by having general political offenses and crimes brought within the scope of the De-nazification Law with the approval and under authority of the Control Council, and we see punishments being imposed which are to serve this aim of bringing about a democratic Germany. Therefore, there is no reason whatsoever to carry out an implementation and achieve this aim by extending this law in a manner not justified by the language of the law nor by the history of its origin and enactment.

General Taylor referred to the fact that count one surely contains everything which was indicted under count four, too. I don't quite follow that trend of thought. This will be made most clear to us if we remember that only a portion of the defendants is indicted under count one, whereas there are defendants indicted under count four on the other hand who are not indicted under count one. This fact alone proves that the prosecution did not propose to create any such connection between the two counts and was unable to create any such connection between the counts for the sake of having crimes tried which apply particularly to the period of time, 1933 to 1939, and are made the subject matter of count four of the indictment.

It may be that some crimes may be classified as crimes against humanity which could also be given another designation or character. If the prosecution proposes to do that, then let it go ahead, and in the case of each individual defendant, let it specifically state as to why this specific incident has causality or is supposed to have causality with another count of the indictment.

The prosecution has given a very wide scope to the term of crimes against humanity, such a wide scope which might possibly be authorized by the language of Control Council Law No. 10 unless no limitation were possible within the provisions of the Charter. May I refer you to the language "Persecution for political, racial, or religious reasons"? If this concept were not restricted in some manner or other, then no tribunal would be able to construct the motive and intent of the legislator from the wording of the law itself. What does persecution mean? You may only know that from an explanation given, and the explana-

tion is to be found in connection with the other two major crimes established by the Charter. Just to cite one example, among other things, the prosecution made reference to the Civil Service Law, constructing this as a measure for political or racial persecution. Now, are we really to assume that the discharge from service, and let us say, as an example, that a Communist public servant is discharged, is such a discharge really to represent a crime which can be considered as atrocious under the laws and ideology of all nations and considered atrocious particularly by each one of the signatory powers? And thus, in dealing with this problem, particularly in the year of 1948, we can find no limitation for what all nations and all signatory powers consider as a crime subject and worthy of punishment, namely, the crime of persecution. And that is why the law did give us this limitation.

F. Order of the Tribunal Dismissing Count Four, and Tribunal Memorandum Attached Thereto

ORDER

The defendants charged in count four of the indictment in this case having made a motion that said count four be dismissed, and the Tribunal having heard the arguments of counsel, and having considered the briefs filed in support of such motion and in opposition thereto, now therefore,

IT IS ORDERED THAT SAID COUNT FOUR BE AND THE SAME IS HEREBY DISMISSED.

Memorandum hereto attached is made a part of this order.

Nuernberg, Germany
26 March 1948

[Signed] WILLIAM G. CHRISTIANSON
William G. Christianson
Presiding Judge
Tribunal IV

MEMORANDUM

The defendants charged in count four of the indictment have filed a motion which challenges the sufficiency of the facts stated in that count to constitute a crime over which this Tribunal has jurisdiction. Said count charges that defendants named therein committed crimes against humanity, as defined in Article II of Control Council Law No. 10, in that they committed, or participated in the commission of, atrocities and offenses against German nationals, including murder, extermination, ill treatment,

enslavement, imprisonment, plundering and looting of property, and other persecutions and inhumane acts, committed on political, racial, and religious grounds.

This count does not, however, allege that these acts were committed in execution of or in connection with crimes against peace or war crimes.

The question squarely presented by this motion, therefore, is whether such acts as charged in said count four as having been committed by the defendants against nationals of their own country, in peacetime and not connected with or related to wars or invasions involving other nations, constitute a crime which comes within the jurisdiction of this Tribunal. The answer to this question involves construction of Control Council Law No. 10, under the provisions of which law this Tribunal was set up and its jurisdiction fixed.

Chapter II of the Charter of the International Military Tribunal, pursuant to which such Tribunal functioned, set forth the acts which constituted the crimes coming within the jurisdiction of the International Military Tribunal, and involving individual responsibility. Paragraph (*c*) of Article 6 of said Chapter II of the Charter provided:

> "CRIMES AGAINST HUMANITY: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated."

In considering the scope of the foregoing provision, the International Military Tribunal, in its judgment, stated with reference to atrocities against German nationals:

> "To constitute crimes against humanity, the acts relied on before the outbreak of war must have been in execution of, or in connection with, any crime within the jurisdiction of the Tribunal. The Tribunal is of the opinion that revolting and horrible as many of these crimes were, it has not been satisfactorily proved that they were done in execution of, or in connection with, any such crime. The Tribunal therefore cannot make a general declaration that the acts before 1939 were crimes against humanity within the meaning of the Charter * * * "*

The definition of crimes against humanity in Control Council Law No. 10, [Article II, paragraph 1 (*c*)] which authorizes

* Trials of the Major War Criminals, op. cit., Volume I, page 254.

the creation of this and similar Tribunals and fixes their jurisdiction, is—

"(*c*) *Crimes against Humanity.* Atrocities and offences, including but not limited to murder, extermination, enslavement, deportation, imprisonment, torture, rape, or other inhumane acts committed against any civilian population, or persecutions on political, racial or religious grounds whether or not in violation of the domestic laws of the country where perpetrated."

The prosecution contends that this definition of crimes against humanity is properly susceptible of a broader construction than the definition of such crimes in the Charter which controlled the jurisdiction of the International Military Tribunal, and that by reason of such possible broader construction, this Tribunal can properly take cognizance of the charges in count four. This contention is based upon the fact that the definition in Control Council Law No. 10 does not contain that certain qualifying phrase which is contained in the Charter definition, which phrase, immediately following the listing of the offenses constituting crimes against humanity, is as follows, "in execution of, or in connection with, any crime within the jurisdiction of the Tribunal."

This position, in our view, is not tenable, and cannot justify an extension of the jurisdiction of this Tribunal beyond the sphere to which the International Military Tribunal properly limited itself. It should be here observed that the preamble to the Charter, under which the International Military Tribunal functioned, stated that the Charter was providing "for the establishment of an International Military Tribunal for the just and prompt trial of major war criminals." We next observe that Control Council Law No. 10 states in its preamble that it was enacted:

" * * * to give effect to the terms of the Moscow Declaration of 30 October 1943 and the London Agreement of 8 August 1945, and the Charter issued pursuant thereto and in order to establish a uniform legal basis in Germany for the prosecution of war criminals and other similar offenders, other than those dealt with by the International Military Tribunal * * *:"

Such Control Council Law No. 10 states in Article I thereof that:

"The Moscow Declaration of 30 October 1943 'Concerning Responsibility of Hitlerites for Committed Atrocities' and the London Agreement of 8 August 1945 'Concerning Prosecution

and Punishment of Major War Criminals of the European Axis' are made integral parts of this Law."

Thus it appears that both the Charter and Control Council Law No. 10 indicate by express language that the International Military Tribunal and the Tribunals established under authority of Control Council Law No. 10 were created to try war criminals. It is true that in Control Council Law No. 10 the preamble indicates that provision is being made for the "prosecution of war criminals and other similar offenders, other than those dealt with by the International Military Tribunal * * *." The general qualifying phrase, "and similar offenders," as contained in Control Council Law No. 10 does not however warrant an extension of jurisdiction to the lengths contended for by the prosecution. It must be remembered that we are here concerned with the construction of an enactment involving criminal responsibility. We must therefore adhere to the rule of strict construction. This Tribunal is not one of general jurisdiction. It was created for the purpose of trying those accused of specific crimes. In considering the construction to be given the provisions of Control Council Law No. 10, here under consideration, it should be noted in the definition of crimes in paragraph 1, Article II of Control Council Law No. 10, that they are not limited to time or space. In construing this particular paragraph, we cannot therefore limit our consideration to the language of that section alone, as by so doing we would be according to this and similar tribunals jurisdiction over crimes of the character described, whenever and wherever committed. Such a sweeping grant of jurisdiction cannot be presumed. The provisions which declare the purpose of the law and the documents which are by reference incorporated into the law, clearly negative such sweeping jurisdiction.

In the opinion of the majority of this Tribunal, there is a further and even more persuasive consideration bearing on the question of interpretation. It is to be observed that neither the London Charter nor Control Council Law No. 10 (if we consider them separately) attempts by their terms to create new crimes. They clearly proceed upon the assumption that certain acts were criminal under existing international law at the time of their enactment. They describe the acts constituting the crimes and set up machinery for trial of those who were charged with commission of the crimes defined. We call attention to a statement by Lord Chief Justice Wright in an article in volume 62 of the Law Quarterly Review, January 1946, which was prior to the judgment of the International Military Tribunal. In discussing the establishment and jurisdiction of the International Military Tribunal, he stated:

"The Tribunal so established is described in the Agreement as an International Military Tribunal. Such an International Tribunal is intended to act under international law. It is clearly to be a judicial tribunal constituted to apply and enforce the appropriate rules of international law. *I understand the Agreement to import that the three classes of persons which it specifies are war criminals, that the acts mentioned in classes (a), (b), and (c) are crimes for which there is properly individual responsibility; that they are not crimes because of the agreement of the four Governments, but that the Governments have scheduled them as coming under the jurisdiction of the Tribunal because they are already crimes by existing law. On any other assumption the court would not be a court of law but a manifestation of power. The principles which are declared in the Agreement are not laid down as an arbitrary direction to the court but are intended to define and do, in my opinion, accurately define what is the existing international law on these matters.*" [Emphasis supplied.]

Subsequently, the International Military Tribunal, in its judgment, in the course of discussing the construction to be given the Charter, stated:

"The Charter is not an arbitrary exercise of power on the part of the victorious nations, but in the view of the Tribunal as will be shown, it is the expression of international law existing at the time of its creation." [Emphasis supplied.]

The foregoing statements of Lord Wright and the International Military Tribunal, made with respect to the jurisdiction of the International Military Tribunal, clearly apply with equal persuasiveness to the question of this Tribunal's jurisdiction under Control Council Law No. 10.

To hold otherwise would be to disregard the well-established principle of justice that no act is to be declared a crime which was not a crime under law existing at the time when the act was committed.

In holding that the crimes here defined as crimes against humanity and as perpetrated against German nationals were not, when committed, crimes against international law, there being no claim that such crimes were perpetrated in connection with crimes against peace or war crimes, we are not losing sight of the fact that the charges in count four accuse defendants of having been part of and responsible for the perpetration against humanity of the most extensive programs of cruelty and persecution ever recorded in the annals of mankind. Such charges, if true, indicate such crimes against humanity were characterized

by brutal and savage suppression of what we know as human rights, among them the right of free speech, a free press, freedom of religion, and freedom of assembly. It is argued with great force that a general suppression of such human rights is of concern to civilization, for science and industry have shrunk the world into an interdependent neighborhood. It has been very properly pointed out that the foreign policy of any despot is one which is inherently a constant risk to the peace and security of other nations.

There can be no question but that the relationship between human rights and a just and lasting peace is very close and interlocking. Any nation which, by its laws and policies, cuts its people off from the influence of foreign and world opinion, systematically persecutes helpless peoples, and punishes as traitors those of its people who voice objection to its domestic policies, and who may insist that the nation must hold to its international obligations, is a menace to peace everywhere. In other words, if a nation's domestic policy is characterized by aggression at home, its foreign policy will probably also be characterized by aggression.

The foregoing arguments and observations do not, however, establish that crimes against humanity perpetrated by a government against its own nationals, are of themselves crimes against international law. Such arguments and observations rather serve to emphasize the urgent need of comprehensive legislation by the family of nations, with respect to individual human rights. Such steps as have been taken in this direction since the late war may need to be further advanced and implemented. This, however, involves functions beyond the province of this Tribunal.

IX. ATROCITIES AND OFFENSES COMMITTED AGAINST CIVILIAN POPULATIONS — COUNT FIVE

A. Introduction

Count five of the indictment (sec. I, Vol. XII), charged 19 of the defendants with the commission of war crimes and crimes against humanity for criminal participation in various atrocities and offenses against civilian populations. The specifications of these charges encompassed a great variety of alleged criminal activities—the destruction of nations and ethnic groups; the persecution and extermination of persons considered to be political and racial undesirables by Nazi doctrines; the "Germanization" of areas occupied by military force; the illegal recruitment of persons from the occupied countries for SS and other police units; and other related activities. The Tribunal in its judgment (sec. XV, Vol. XIV) found the following 14 defendants guilty under this count: Berger, Darré, Dietrich, Kehrl, Keppler, Lammers, Puhl, Schellenberg, Schwerin von Krosigk, Steengracht von Moyland, Stuckart, Veesenmayer, von Weizsaecker, and Woermann. The Tribunal found five defendants not guilty under these charges—Bohle, von Erdmannsdorff, Meissner, Rasche, and Ritter.

The discussion of these charges in the Tribunal's judgment runs to over 300 mimeographed pages and numerous documents are quoted at length in the judgment. Furthermore, most of the charges deal with issues which in one way or another came up in most of the Nuernberg trials. Accordingly, because of space limitations, only a relatively small part of the evidence concerning the charges of count five has been reproduced in this section.

The evidence reproduced in this section has been grouped into four sections. The first section, "B. Treatment of Nationals of Various Countries, Racial Policy, 'The Final Solution of the Jewish Question'," deals with some of the general aspects of Nazi doctrine and practice. No affidavits of prosecution affiants and no testimony by prosecution witnesses have been included in this section. The next section, "C. Special Kommando Dirlewanger and Related Matters," deals more specifically with the activities of a particular organization assigned to various special tasks in occupied eastern Europe. In this section contemporaneous documents (C 1) are followed by testimony of defendant Berger (C 2). Section "D. Operation Zeppelin" is concerned with the recruitment of Russian prisoners of war for intelligence and other purposes, and with the killing of some of

the persons thus recruited. Testimony of one prosecution witness (D 1) is followed by contemporaneous documents (D 2) and testimony of defendant Schellenberg (D 3). The last section, "E. The German Resettlement Trustee Company—the 'DUT'," deals with a particular aspect of Germanization and involves the resettlement of people and the treatment of the property of various groups of persons affected. Here the contemporaneous documents (E 1) are followed by the testimony of a prosecution witness (E 2), the affidavit of a defense affiant (E 3), and testimony of defendant Keppler (E 4).

Much of the evidence reproduced in the various parts of this section overlaps with evidence reproduced in sections dealing mainly with other counts. This is particularly true with respect to the next two following sections: "X. Plunder and Spoliation—Count Six" and "XI. Slave Labor—Count Seven." Sections IX, X, and XI all concern counts involving charges of both war crimes and crimes against humanity.

Extensive argumentation concerning count five appears in sections "V. Opening Statements" (Vol. XII) and "XIII. Closing Statements" (Vol. XIV).

B. Treatment of Nationals of Various Countries: Racial Policy, "The Final Solution of the Jewish Question"

1. CONTEMPORANEOUS DOCUMENTS

PARTIAL TRANSLATION OF DOCUMENT 1816-PS*
PROSECUTION EXHIBIT 1441

EXTRACTS FROM THE MINUTES OF THE GOERING CONFERENCE ON THE JEWISH QUESTION, 12 NOVEMBER 1938, ATTENDED BY DEFENDANTS SCHWERIN VON KROSIGK, WOERMANN, STUCKART, AND KEHRL, AMONG OTHERS

Stenographic report on a part of the conference on the Jewish question under the chairmanship of Field Marshal Goering at the Reich Air Ministry on 12 November 1938—11 o'clock

GOERING: Gentlemen! Today's meeting is of a decisive nature. I have received a letter written on the Fuehrer's orders by the Chief of Staff of the Fuehrer's deputy, Bormann, requesting that the Jewish question be now, once and for all, coordinated and solved one way or another. And yesterday once again did the Fuehrer request by phone for me to take coordinated action in the matter.

* Document 1816-PS was introduced in the IMT trial as Exhibit USA-261 and the German text appears in Trial of the Major War Criminals, volume XXVIII, pages 499-540.

Since the problem is mainly an economic one, it is from the economic angle that it shall have to be tackled. Naturally a number of legal measures shall have to be taken which fall into the sphere of the Minister for Justice and into that of the Minister of the Interior; and certain propaganda measures shall be taken care of by the office of the Minister for Propaganda. The Minister for Finance and the Minister for Economics shall take care of problems falling into their respective fields.

The meeting in which we first talked about this question and came to the decision to Aryanize German economy, to take the Jew out of it, and put him into the debit ledger [in das Schuldbuch hineinzubringen und auf die Rente zu setzen] was one in which, unfortunately, we only made pretty plans which were executed very slowly. We then had a demonstration, right here in Berlin; we told the people that something decisive would be done, but again nothing happened. We have had this affair in Paris now,* more demonstrations followed, and this time something decisive must be done!

Because, Gentlemen, I have enough of these demonstrations! They don't harm the Jew, but me, who is the last authority for coordinating the German Economy.

If today, a Jewish shop is destroyed, if goods are thrown into the street, the insurance company will pay for the damages, which the Jew does not even have; and furthermore consumer goods, goods belonging to the people, are destroyed. If in the future, demonstrations which are necessary occur, then I pray that they be directed in such a manner as not to hurt us.

Because it's insane, to clean out and burn a Jewish warehouse and then have a German insurance company make good the loss, and the goods which I need desperately, whole bales of clothing and what not, are being burned; and I miss them everywhere.

* * * * * * *

I should not want to leave any doubt, Gentlemen, about the following: we have not come together today merely to talk again about what should be done but to make decisions [es fallen jetzt Entscheidungen], and I implore the competent agencies to take the necessary measures blow by blow for the Aryanization of the economy and to submit them to me as far as it is necessary.

* * * * * * *

Now, the foreign Jews. There we'll have to make distinctions between the Jews who have always been foreigners—and who

* Reference is made to the assassination of German Legation Counsellor Ernst vom Rath in Paris. Vom Rath was shot by a Polish-Jewish youth on 7 November and died on 9 November 1938.

shall have to be treated according to the laws we arranged with their respective countries. But regarding those Jews who were Germans, have always lived in Germany, and have acquired foreign citizenship during the last year only because they wanted to play safe. I ask you not to give them consideration. We'll finish with these. Or have you any misgivings? We shall try to induce them through slight and then through stronger pressure and through clever maneuvering—to let themselves be pushed out voluntarily.

WOERMANN: I'd like the Foreign Office to be included in individual cases, since it is very difficult to decide this in a general manner.

GOERING: We cannot consult you in every case. But on the whole we will of course.

WOERMANN: In any case, I'd like to make known the claim of the Foreign Office to participate. One never knows what steps may be made.

GOERING: Only for important matters! In any case, I do not want to give special consideration to this category. For, I have learned only now to what extent that has been done, particularly in Austria and Czechoslovakia. If somebody was a Czech in the Sudetenland,[1] we do not have to consider that at all, and the Foreign Office does not have to be consulted because one can claim that he now belongs to us. In Austria and also in the Sudetenland, very many become all of a sudden Englishmen, or Americans, or what not, and generally we cannot consider this a great deal.

* * * * * * *

GOEBBELS: Number two—in almost all German cities synagogues are burned. New, various possibilities exist to utilize the space where the synagogues stood. Some cities want to build parks in their place, others want to put up new buildings.

GOERING: How many synagogues were actually burned?

HEYDRICH:[2] Altogether there are 101 synagogues destroyed by fire, 76 synagogues demolished, and 7,500 stores ruined in the Reich.

GOERING: What do you mean "destroyed by fire"?

HEYDRICH: Partly they are burned down and partly gutted.

[1] The Sudeten area of Czechoslovakia had been annexed by Germany a few weeks earlier as a result of the Munich Agreement. See volume XII section VI D.

[2] Concerning the role of Heydrich in the events discussed at this meeting of 12 November 1938, the judgment of the IMT states: "In the early morning of 10 November 1938, Heydrich sent a telegram to all offices of the Gestapo and SD giving instructions for the organization of the pogroms of that date and instructing them to arrest as many Jews as the prisons could hold 'especially rich ones,' but to be careful that those arrested were healthy and not too old. By 11 November 1938, 20,000 Jews had been arrested and many were sent to concentration camps." See Trial of the Major War Criminals, op. cit., volume I, page 265.

GOEBBELS: I am of the opinion that this is our chance to dissolve the synagogues. All those not completely intact, shall be razed by the Jews. The Jews must pay for it. Here in Berlin, the Jews are ready to do that. The synagogues which burned in Berlin are being leveled by the Jews themselves. We shall build parking lots in their places or new buildings. That ought to be the criterion for the whole country; the Jews shall have to remove the damaged or burned synagogues, and shall have to provide the German people with cleared free space.

* * * * * * *

GOERING: I have to ask you a question. When all kinds of goods were taken from the stores and burned in the streets, would that also be thievery?

HILGARD:[1] I don't think so.

GOERING: Could that be termed as "Riot"?

HILGARD: That is just the question which we are unable to decide at this moment. Is it ordinary theft if entry into a dwelling or a container of any kind is forced and something is taken away?

GOERING: That is a case of "Riot."

HILGARD: Riot does not mean much since we have very little insurance against damage caused by riots, these were discarded by us long ago.

GOERING: But this here is "Rioting." That is the legal term. There was no theft, and no individual broke into any place. But a mob rushes in and knocks everything to pieces, or "Public Disturbance."

HILGARD: Public disturbance. It is no riot.

GOERING: Are they insured against damages caused by public disturbances?

HILGARD: No, no more. May I show this by an example. The most remarkable of these cases is the case Margraf Under Den Linden. The jewelry store of Margraf is insured with us through a so-called combined policy. That covers practically any damage that may occur. This damage was reported to us as amounting to 1,700,000 because the store was completely stripped.

GOERING: Daluege and Heydrich, you'll have to get me this jewelry through raids, launched on a tremendous scale!

DALUEGE:[2] The order has already been given. The people are being controlled all the time. According to reports, 150 were arrested by yesterday afternoon.

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[1] Eduard Hilgard was head of the Reich Group Insurance. The minutes show that Hilgard did not participate in the earlier part of the conference but participated only after the discussion turned to the question of the indemnification to be paid by insurance companies.

[2] Chief of the Uniformed Police (Ordnungspolizei).

GOERING: These things will otherwise be hidden. If somebody comes to a store with jewels and claims that he has bought them, they'll be confiscated at once. He has stolen them or traded them in all right.

HEYDRICH: Besides that, looting was going on in the Reich in more than 800 cases, contrary to what we supposed; but we have already several hundred people who were plundering, and we are trying to get the loot back.

GOERING: And the jewels?

HEYDRICH: That is very difficult to say. They were partly thrown into the street and picked up there. Similar things happened with furriers, for example in Friedrichstrasse, district C. There the crowd was naturally rushing to pick up minks, skunks, etc. It'll be very difficult to recover that. Even children have filled their pockets just for fun. It is suggested that the Hitler Youth is not to be employed and to participate in such actions without the Party's consent. Such things are very easily destroyed.

* * * * * * *

HEYDRICH: The insurance may be granted, but as soon as it is to be paid, it will be confiscated. That way we'll have saved face.

HILGARD: I am inclined to agree with what General Heydrich has just said. First of all, use of the mechanism of the insurance company to check on the damage, to regulate it and even pay, but give the insurance company the chance to—

GOERING: One moment! You'll have to pay in any case because it is the Germans who suffered the damage. But there will be a lawful order forbidding you to make any direct payments to the Jews. You shall also have to make payment for the damage the Jews have suffered, but not to the Jews, but to the Minister of Finance. (Hilgard: Aha!) What he does with the money is his business.

* * * * * * *

HEYDRICH: We estimate that the damage to property, to furniture, and to consumer goods amounts to several hundred million; although that includes the damage the Reich shall suffer from loss of taxes, sales taxes, taxes on property and on income. I assume that the Minister for Finance too, has been informed on all this.

VON KROSIGK: I have no idea about the extent.

HEYDRICH: Seventy-five hundred destroyed stores in the Reich.

DALUEGE: One more question ought to be cleared up. Most of the goods in the stores were not the property of the owner but were kept on the books of other firms, which had delivered them.

Then there are the unpaid for deliveries by other firms, which definitely are not all Jewish but Aryan, those goods that were delivered on the basis of commission.

HILGARD: We'll have to pay for them, too.

GOERING: I wish you had killed 200 Jews, and not destroyed such values.

HEYDRICH: There were 35 killed.

KEHRL: I think we could do the following: Jews we don't pay anyhow, as for Aryans, payment shall have to be made; the insurance company may contact us through the "Reichsgruppe" and we shall investigate each case. I am thinking of the small reciprocity companies; it should be easy to find out whether they are capable of paying or not. In their cases, the amounts involved are not too large. We may find an arrangement for this later on; I am thinking of one in which the insurance companies arrange for compensation exclusively to Aryan, and once they know the result of their inquiries, contact us. We shall then find a way out for these small companies. Of course only in cases where it is absolutely necessary.

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[Reich Group Leader Hilgard leaves the room]

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HEYDRICH: I'd like to say one more thing of primary importance. In the decree we should not mention the confiscation. We can do that easily.

GOERING: No, you cannot do that tacitly. A clear legal procedure will have to be employed there. But that is not what Mr. Woermann means, he is talking about these foreign Jews who are not insured. As far as they are insured, they are covered. This concerns those who are not insured. That may be the case here and there.

WOERMANN: We shall then have plenty of complaints.

GOERING: I'd like to avoid paying too much attention to the foreign Jews.

WOERMANN: But if Article 2* contains that provision, Article

* The decree here discussed was signed by Goering, as Plenipotentiary for the Four Year Plan, on the same day as this meeting, 12 November 1938. This decree appears in the Reichsgesetzblatt, Part I, page 1581, and is entitled "Decree concerning the Restoration of Street Appearances near Jewish Business Establishments" (Verordnung zur Wiederherstellung des Strassenbildes bei juedischen Gewerbebetrieben). The decree, in three sections, provides: "1. All damages which through the indignation (Empoerung) of the people about the inciting actions (Hetze) of international Jewry against National Socialist Germany, have been caused to Jewish business establishments (Gewerbebetrieben) and abodes on 8, 9, and 10 November 1938, must be made to disappear by the Jewish owner or Jewish tradesman immediately. 2. (1) The expense for the repair shall be borne by the owner of the respective Jewish trade enterprises and abodes. (2) Insurance claims of Jews of German nationality are confiscated (beschlagnahmt) in favor of the Reich. 3. The Reich Minister of Economics is authorized to issue implementing regulations, in agreement with the other Reich Ministers."

1 may as well have it. The first draft by the Minister for Justice covered it all very nicely.

GUERTNER:* Now, if I don't misunderstand Mr. Woermann, he is primarily concerned with the obligation for restoration which shall be valid generally, while only Jews who have German citizenship are mentioned regarding the insurances. I'd like to know whether there are any objections against compelling also the foreign Jews to restore the damage, and to inform him that he shall not be paid the money from the insurance.

GOERING: He is quite able to do that.

WOERMANN: Even if he is not insured?

GUERTNER: Oh—!

GOERING: There should hardly be such instances. Let's take a chance on it.

STUCKART: If he is not insured, he'll have to have the damage restored anyway. How can he then make claims against anybody?

GOERING: He cannot.

WOERMANN: He can file claims against the State.

STUCKART: According to which law? Damage caused by riots? We won't recognize riots.

GOERING: Perfectly right.

WOERMANN: Generally speaking, may I say regarding foreign Jews, the reservation that the contract is to be taken into consideration was made only for the organization. That is valid for all branches which we have discussed today, and also for the expropriation.

GOERING: Like the Fuehrer says, we'll have to find a way to talk this over with the countries which also do something against their Jews. That every dirty Polish Jew has a legal position here and we have to stand him—that ought to cease. The Fuehrer was not very happy about the agreement that was made with the Poles. He thinks we should take a few chances and just tell the Poles; all right, we are not going to do that; let's talk over what we may be able to accomplish together; you are doing something against your own Jews in Poland; but the minute the Itzig has left Poland, he should suddenly be treated like a Pole! I'd like to disregard these stories from foreign countries a little.

WOERMANN: It ought to be considered whether or not the United States might take measures against German property. This question cannot be handled equally for all countries. I have to make a formal and general reservation.

GOERING: I have always said and I'd like to repeat it that our steamship companies and German companies in general should

* Reich Minister of Justice until 1941.

finally catch on and liquidate their investments in the United States, sell them, etc. That country of scoundrels does not do business with us according to any legal rules. Once before they stole everything from us, that is why I don't understand how we could do it again, just for some temporary profit. It is dangerous. You can do it with an orderly country but not with one that cares for rights [die Rechtsseite] as little as the United States. The other day I had the American Ambassador with me, we talked about the Zeppelin and I told him: "We don't need any helium, I fly without helium but the prerequisite will have to be that this ship will be flying to civilized countries where the right prevails. It goes without saying that one cannot fly to such gangster states." He had a rather silly look on his face. One ought to tell these Americans. But you are right, Mr. Woermann, it ought to be considered.

WOERMANN: In other words, the Foreign Office is granted the right to be consulted.

GOERING: Granted, but I'd like to avoid mentioning the foreign Jews as long as we can help it. We'd rather have the Foreign Office take part in those cases where that question becomes acute, so that some compromise can be reached.

WOERMANN: Generally, and in particular cases.

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GOERING: One more question, gentlemen: What would you think the situation would be if I'd announce today that Jewry shall have to contribute this one billion[1] as a punishment?

BUERCKEL:[2] The Viennese would agree to this whole heartedly.

GOEBBELS: I wonder if the Jews would have a chance to pull out of this, and to put out something on the side.

BRINKMANN:[3] They'd be subject to punishment.

VON KROSIGK: Mr. Fischboeck, one question, could this authorization be ordered without their closing out their securities?

FUNK: They are all registered. They'll also have to register the money.

VON KROSIGK: But for the time being they may dispose of it.

GOERING: It won't help them to cash them all. They can't get rid of the money.

FUNK: They'll be the ones to have the damage if they sell their stocks and bonds.

FISCHBOECK: There is a certain danger, but I don't think it is very great. But only then, when all the other measures shall definitely be carried out during next week.

[1] See Goering's Decree of 12 November 1938, the same day as this conference, reproduced immediately following.

[2] Reich Commissioner in Austria.

[3] Then State Secretary in the Ministry of Economics.

VON KROSIGK: They have to be taken during the next week at the latest.

GOERING: I would make that a condition.

FISCHBOECK: Maybe it is good that we put ourselves under pressure this way.

GOERING: I shall choose the wording this way; that German Jewry shall, as punishment for their abominable crimes, etc., have to make a contribution of one billion. That'll work. The pigs won't commit another murder so soon. Incidentally, I'd like to say again that I would not like to be a Jew in Germany.

VON KROSIGK: Therefore, I'd like to emphasize what Mr. Heydrich has said in the beginning; that we'll have to try everything possible, by way of additional exports, to shove the Jews into foreign countries. The decisive factor is that we don't want to keep the whole society-proletariat [Gesellschaftsproletariat] here. They'll always be a terrific liability for us. (Frick: "And a danger!") I don't imagine the prospect of the ghetto is very nice. The idea of the ghetto is not a very agreeable one. Therefore, the goal must be, like Heydrich said, to move out whatever we can!

GOERING: The second point is this. If, in the near future, the German Reich should come into conflict with foreign powers [aussenpolitischen Konflikt] it goes without saying that we in Germany should first of all let it come to a big showdown with the Jews [eine grosse Abrechnung an den Juden zu vollziehen]. Besides that, the Fuehrer shall now make an attempt with these foreign powers who have brought the Jewish question up, in order to solve the Madagascar project. He explained it all to me 9 November. There is no other way. He'll tell the other countries. "What are you always talking about the Jews for? Take them!" Another proposal may be made. The Jews, gotten rid of, may buy territory for their "co-religionists" in North America, Canada, or elsewhere.

I wish to summarize: The Minister of Economics shall direct the committee and he shall, in one form or another, take all steps necessary within the next few days.

BLESSING: I fear that during the next few days, beginning Monday, the Jews will start to sell bonds on internal loans for hundreds of thousands, in order to provide themselves with means. Since we hold the quotation [Kurs] of the internal loan in order to sell more bonds, the Reich Treasury, Loan Committee, or the Reich Minister for Finance should have to back this internal loan.

GOERING: In what way could the Jew bring his bonds on the market? (Remark: "Sell them") To Whom? (Remark: On the

stock market. He orders a bank to do it.) Well, I'll prohibit selling internal loan bonds for 3 days.

BLESSING: That could be done only through a decree.

GOERING: I can't see any advantage for the Jew. He won't know himself how, and he'll have to pay. On the contrary, I believe he won't move.

GOEBBELS: For the time being he is small and ugly and stays at home.

GOERING: I don't think it would be logical. Otherwise we'll have to do it. The reason why I want this decree in a hurry is that for the time being we have a quiet situation, but who can guarantee that there won't be new trouble by Saturday or Sunday. Once and for all I want to eliminate individual acts. The Reich has taken the affair in its own hand. The Jew can only sell, he can't do a thing. He'll have to pay. At this moment, the individual Jew won't think of throwing anything on the market. There'll be some chatter first, and then they will begin to run to us. They'll look for those great Aryans with whom they think they may have some luck, the so-called various mail-boxes of the Reich with whom they can lodge their protests. These people will run my door in. All that takes some time, and by then we'll be ready.

DALUEGE: May we issue the order for confiscating the cars?

GOERING: Also the Ministry of the Interior and the police will have to think over what measures will have to be taken. I thank you.

(Conference closed at 2:40 p.m.)

TRANSLATION OF DOCUMENT 1412-PS
PROSECUTION EXHIBIT 2102

GOERING DECREE, 12 NOVEMBER 1938, IMPOSING A FINE OF ONE BILLION REICHSMARKS ON JEWS OF GERMAN NATIONALITY AND AUTHORIZING THE DEFENDANT SCHWERIN VON KROSIGK TO ISSUE EXECUTIVE ORDERS WITH RESPECT THERETO IN AGREEMENT WITH THE REICH MINISTERS CONCERNED*

1938 REICHSGESETZBLATT, PART I, PAGE 1579

Decree concerning the Payment of a Fine [Suehneleistung] by Jews of German Nationality, 12 November 1938.

The hostile attitude of Jewry toward the German people and Reich, which does not even shrink from committing cowardly

* This decree was discussed at the Goering conference of 12 November 1938, the same date as the date of this decree. Extracts from the minutes of this conference are reproduced immediately above.

murder, makes a decisive defense and a harsh expiation [Suehne] necessary. I order therefore by virtue of the decree concerning the execution of the Four Year Plan of 18 October 1936 (RGBl. I, p. 887) as follows:

Section 1

On the Jews of German nationality as a whole has been imposed the payment of a contribution [Kontribution][1] of 1 billion reichsmarks to the German Reich.

Section 2

Executive orders are to be issued by the Reich Minister of Finance in agreement with the Reich Ministers concerned.

Berlin, 12 November 1938

The Plenipotentiary for the Four Year Plan

GOERING
Field Marshal

TRANSLATION OF DOCUMENT NG-2586-A[2]
PROSECUTION EXHIBIT 1443

GOERING DIRECTIVE TO THE REICH MINISTER OF THE INTERIOR, 24 JANUARY 1939, CONCERNING THE ENCOURAGEMENT OF THE EMIGRATION OF JEWS FROM GERMANY AND THE APPOINTMENT OF THE CHIEF OF THE SECURITY POLICE, HEYDRICH, AS CHIEF OF THE REICH CENTRAL OFFICE FOR JEWISH EMIGRATION

Berlin, 24 January 1939

The Plenipotentiary for the Four Year Plan
Field Marshal Goering
To the Reich Minister of the Interior
Berlin

The emigration from Germany of Jews is to be advanced by all means.

A Reich Central Office for Jewish Emigration [Reichszentrale fuer die juedische Auswanderung] is established within the Reich Ministry of the Interior from the representatives of the agencies concerned. The Reich Central Office has the mission to uniformly within the whole territory of the Reich—

[1] The term "Kontribution" is generally used in wartime only.

[2] Document NG-2586 is a compilation of numerous related contemporaneous documents pertaining to the treatment of Jews, all found in the files of "Department Germany" of the German Foreign Office. These documents are dated between January 1939 and February 1943. Some were drawn up by officials of the Foreign Office. Others originated in other agencies and found their way to the Foreign Office files during the development of Germany's policy concerning Jews. Because the individual documents in Document NG-2586 were so widely separated in date, the prosecution offered various items of the compilation in evidence under different exhibit numbers. Consequently, different parts of Document NG-2586 will be found hereinafter with various exhibit numbers.

1. Take all measures for the preparation of an increased emigration of the Jews, among other things to create a Jewish organization which is qualified to prepare all steps to make available and utilize the internal and foreign funds, and to determine, in collaboration with the Reich Bureau for Emigrant Matters, countries suitable for emigration.

2. *Direct* the emigration; and to favor among other things, particularly, the emigration of the poorer Jews.

3. Expedite emigration in individual cases by central coordinated processing of the necessary applications, State certificates and vouchers needed by the individual emigrant and by the controlling of the course of the emigration.

The Chief of the Security Police [Heydrich] is in charge of the Reich Central Office. He appoints the manager and regulates the management of the Reich Central Office.

I will be currently informed of the work of the Reich Central Office. My decision must be requested before measures of fundamental importance are taken.

In addition to the other agencies concerned, Ambassador Eisenlohr as Delegate for Official International Negotiations and Ministerial Director Wohlthat as Delegate for the Negotiations on the Rublee Plan,* are to be members of the executive committee.

Signed: GOERING

* George Rublee was American representative, and later director, of the Intergovernmental Committee, convened in 1938 and 1939 to discuss problems of Jewish emigration from the Reich.

PARTIAL TRANSLATION OF DOCUMENT 2360-PS
PROSECUTION EXHIBIT 3906

EXTRACTS FROM HITLER'S SPEECH BEFORE THE REICHSTAG, REPRODUCED IN THE OFFICIAL NEWSPAPER OF THE NAZI PARTY OF 31 JANUARY 1939, CONCERNING THE FATE OF THE JEWISH RACE IN EUROPE "IF INTERNATIONAL FINANCE JEWRY" PLUNGES EUROPE INTO ANOTHER WORLD WAR

Voelkischer Beobachter, Berlin Edition, 31 January 1939

[*Note.* The first page of the newspaper contains a picture of Hitler addressing the Reichstag captioned "The Fuehrer on the occasion of his address before the First Greater German Reichstag." The picture shows that the following defendants were present: Lammers, Meissner, Schwerin von Krosigk, Woermann, and Dietrich.]

ADOLF HITLER'S FORCEFUL SPEECH BEFORE THE GREATER GERMAN REICHSTAG

Prophetic Warning to World Jewry

Unequivocal Avowal of German-Italian Community of Fate

* * * * * * *

I believe that this problem will be solved—the sooner the better—for Europe cannot rest again before the Jewish problem has been eliminated.

* * * * * * *

If international finance Jewry in and outside Europe should succeed in plunging the peoples of Europe into another world war, then the result will not be the bolshevization of the world and a victory for world Jewry but the annihilation of the Jewish race in Europe!*

* * * * * * *

* This extract from the Voelkischer Beobachter was used during the cross-examination of defendant Lammers on 23 September 1948. (See extracts from Lammers' testimony reproduced below in this section.) Later the prosecution offered in evidence as part of the exhibit another part of Document 2360-PS, an extract from a Hitler speech of 30 January 1942, reported in the Voelkischer Beobachter of 1 February 1942: "I have already declared on 1 September 1939, in the German Reichstag, and I am careful not to make hasty predictions, that this war will not turn out the way the Jews think it will, namely, that the European Aryan peoples will be wiped out, but that the result of this war will be the annihilation [Vernichtung] of Jewry." This part of Document 2360-PS was not referred to in Lammers' cross-examination and the Tribunal sustained a defense objection to it on 12 November 1948.

TRANSLATION OF DOCUMENT NID-13853
PROSECUTION EXHIBIT 2104

SECOND EXECUTIVE ORDER CONCERNING THE FINE ON JEWS, 19 OCTOBER 1939, SIGNED BY DEFENDANT SCHWERIN VON KROSIGK, AND INCREASING THE TAX ON JEWISH PROPERTY TO MEET THE BILLION MARK FINE

1939 REICHSGESETZBLATT, PART I, PAGE 2059

Second executive order concerning the payment of the fine by the Jews, 19 October 1939

In accordance with section 2 of the decree concerning the payment of a fine by Jews, dated 12 November 1938 (Reichsgesetzblatt I, p. 1579,[1] the following order is published:

1. In order to raise the amount of one billion Reichsmarks, the tax on Jewish property is to be increased[2] from 20 percent to 25 percent of the assets.

2. The difference of 5 percent becomes due on 15 November 1939.

3. Payment is to be made without a special demand notice.

Berlin, 19 October 1939

The Reich Minister for Finance
COUNT SCHWERIN VON KROSIGK

[1] Document 1412-PS, Prosecution Exhibit 2102, reproduced above.

[2] The first executive order to the Goering Decree of 12 November 1938 was issued by defendant Schwerin von Krosigk on 21 November 1938 (Doc. 1411-PS, Pros. Ex. 2103, not reproduced herein). It provided that Jews of German nationality, and stateless Jews whose total assets exceeded 5,000 Reichsmarks, had to pay a fine of 20 percent of their property in four equal installments.

TRANSLATION OF DOCUMENT 3363-PS
PROSECUTION EXHIBIT 2501

CIRCULAR LETTER FROM HEYDRICH TO CHIEFS OF ALL EINSATZGRUPPEN* WITH COPIES TO DEFENDANT STUCKART AND OTHERS, 21 SEPTEMBER 1939, CONCERNING THE JEWISH QUESTION IN GERMAN OCCUPIED TERRITORY, SECRECY FOR THE "ENTIRE PLANNED MEASURES," AND "FIRST PRELIMINARY MEASURE FOR THE FINAL AIM"

Copy

The Chief of the Security Police Berlin, 21 September 1939
P1 (II)-288/39 Secret

Express letter

To: *The chiefs of all Einstatzgruppen of the Security Police*

Subject: Jewish question in the occupied territory [Judenfrage im besetzten Gebiet]

With reference to today's conference in Berlin, I am once more stressing that the *entire planned measures* (hence the final aim) [die geplanten Gesamtmassnahmen (also das Endziel)] are to be kept *strictly secret.*

It has to be distinguished between—

(1) the final aim (which will take some time) and

(2) the sections of fulfillment of this final aim (which will be achieved in short terms).

The planned measures demand most thorough preparation in technical as well as in economic respect.

It is self-evident that the imminent tasks cannot be outlined in all detail from this office. The following instructions and terms of reference are at the same time serving the purpose of keeping the chiefs of the operational groups to practical considerations.

I

The first preliminary measure for the final aim is the concentration of the Jews from the country into the larger towns. This has to be carried out with acceleration. It has to be distinguished—

(1) between the area of Danzig and West-Prussia, Poznan, Eastern Upper Silesia, and

* The IMT, in its judgment, found that the "Einsatzgruppen" were involved, among other things, "in the widespread murder and ill treatment of the civilian population of the occupied territories." See Trial of the Major War Criminals, volume I, page 270. One entire trial in Nuernberg, the Einsatzgruppen case, was concerned with the activities of these special task units. See Volume IV, this series.

(2) the remaining occupied territories.

As far as possible, the area as mentioned under *number (1)* has to be cleared [freigemacht] of Jews, at least the aim has to be to establish only a few concentration towns [Konzentrierungsstaedte].

In the areas as mentioned under *number (2)*, as few concentration points [Konzentrierungspunkte] as possible are to be established [festzulegen] so that the measures to be taken later will be carried out in an easier manner [erleichtert werden]. It has to be observed that only such towns will be established as concentration points, which either are railway centers or at least are situated at railway lines.

In principle, Jewish communities of less than 500 heads are to be dissolved, and to be transferred to the nearest concentration town.

This decree does not apply to the area of Einsatzgruppe I which is situated east of Cracow, roughly circumscribed by Polanico, Jaroslaw, the new line of demarcation, and the former Slovak-Polish border. Within this area, only an approximate census of the Jews has to be carried out. Furthermore, the Jewish Councils of Elders are to be established, as mentioned immediately below.

II

Councils of Jewish Elders

(1) In each Jewish community, a Council of Jewish Elders is to be set up which, as far as possible, is to be composed of the remaining influential personalities and rabbis. The council is to be composed of up to 24 male Jews (depending on the size of the Jewish community).

The council is to be made, in the true sense of the word, *fully responsible* for the exact and punctual [termingemaesse] execution of all directives which have been or which will be issued.

(2) In case of sabotage of such instructions, the councils are to be warned of severest measures.

(3) The Jewish Councils are to take an improvised census of the Jews of their area, possibly divided as to sex (age groups)—

(*a*) up to 16 years of age,

(*b*) from 16 to 20 years of age,

(*c*) those above [20 years,] and also according to the principal vocations, and they are to report the results in the shortest possible time.

(4) The Councils of Elders are to be made acquainted with the time and date of the evacuation [Abzug], the evacuation pos-

sibilities and finally the evacuation routes. They are, then, to be made personally responsible for the evacuation of the Jews from the country.

The reason to be given for the concentration of the Jews to the cities is that Jews have most decisively participated in sniper attacks and plundering.

(5) The Councils of Elders of the concentration centers are to be made responsible for the proper housing of the Jews to be brought in from the country. The concentration of Jews in the cities for general reasons of security will probably bring about orders to forbid Jews to enter certain wards of that city altogether, and that in consideration of economic necessity they cannot, for instance, leave the ghetto, they cannot go out after a designated evening hour, etc.

(6) The Council of Elders is also to be made responsible for the adequate feeding of the Jews on the transport to the cities.

No scruples are to be voiced, if the migrating Jews take with them all their movable possessions, as far as that is technically at all possible.

(7) Jews who do not comply with the order to move into cities are to be given a short additional period of grace when there is a good reason. They are to be warned of strictest penalty if they should not comply by the appointed time.

III

All necessary measures, on principle, are always to be taken up in closest agreement and collaboration with the German civil administration and the competent local authorities.

In the execution of this plan, care must be taken that economic security suffer no harm in the occupied zones.

(1) The needs of the army should particularly be kept in mind, for example, it will not be possible to avoid leaving behind here and there some Jews engaged in trade who absolutely must be left behind for the maintenance of the troops, for lack of any other way out.

In such cases, the immediate Aryanization of these enterprises is to be planned for and the emigration of the Jews is to be completed later, in agreement with the competent local German administrative authorities.

(2) For the preservation of German economic interests in the occupied territories, it is self-understood that Jewish war and ordinary industries and factories, and those important to the Four Year Plan, must be kept going for the time being.

In these cases also, immediate Aryanization must be planned for and the emigration of the Jews must be completed later.

(3) Finally, the food situation in the occupied territories must be taken into consideration. For instance, as far as possible, real estate of Jewish settlers should be provisionally entrusted to the care of neighboring German or even Polish peasants to be worked by them in order to insure harvesting of the crops still in the fields, or cultivation.

In regard to this important question contact should be made with the agricultural experts of the C.d.Z. [Chief of the Civil Administration].

(4) In all cases in which a conformity of interests of the Security Police on the one hand, and the German civil administration on the other hand, can be reached, I am to be informed of the individual measures in question as quickly as possible before their execution, and my decision is to be awaited.

IV

The chiefs of the Einsatzgruppen are to report to me continuously on the following matters:

(1) Numerical survey on the Jews present in their territories (if possible according to the above-mentioned classification).

The number of Jews who are evacuated from the country and those who are already in towns are to be listed separately.

(2) Names of towns which have been designated as concentration points.

(3) The time set for the Jews to be evacuated to the towns.

(4) Survey of all Jewish war and ordinary industries and factories or those important to the Four Year Plan in their territory.

If possible, the following should be specified:

(*a*) Kind of factory (also statement on possible reconversion of factory to really vital or war-important factories or those important to the Four Year Plan);

(*b*) Which factories should be most urgently Aryanized (in order to avoid loss); what kind of Aryanization is suggested? Germans or Poles, (the decision depends on the importance of the factory);

(*c*) Number of Jews working in these factories (include leading positions).

Will it be possible to keep the factory going after the Jews have been removed or will German or Polish workers respectively have to be assigned for that purpose? To what extent?

If Polish workers have to be used, care should be taken that they are mainly taken from the former German provinces in order to somewhat ease the problem there. These questions can

only be solved by incorporation and participation of the labor offices which have been set up.

V

For the fulfillment of the goal set, I expect the full cooperation of all forces of the Security Police and the Security Service (Sicherheitsdienst).

The chiefs of the neighboring Einsatzgruppen shall immediately establish contact with each other in order to be able to cover completely the territories in question.

VI

The High Command of the Army; the Plenipotentiary for the Four Year Plan, (Attention: State Secretary Neumann); the Reich Ministry of the Interior (Attention: State Secretary Stuckart); for Food, and for Economics (Attention: State Secretary Landfried); as well as the chief of the Civil Administration of the occupied territories have received copies of this decree.

Signed: HEYDRICH

Certified

Signed: SCHMIDT
Office Clerk

Certified true copy
Signed signature
Major (GSC)

TRANSLATION OF DOCUMENT NG-1467
PROSECUTION EXHIBIT 1304

EXCHANGE OF LETTERS BETWEEN DEFENDANT LAMMERS AND REICH LEADER SS HIMMLER, 29 SEPTEMBER AND 4 OCTOBER 1939, CONCERNING THE DRAFT OF A HITLER DECREE "FOR THE STRENGTHENING OF GERMANISM"

1. Letter of Lammers to Himmler, 29 September 1939

[Illegible initial]

Berlin W 8, 29 September 1939
Vosstr. 6

The Reich Minister and Chief of the Reich Chancellery
Rk. 518 B g.

[stamp]

Secret

To the Reich Leader SS and Chief of the German Police in the Reich Ministry of the Interior, Mr. Himmler

Dear Mr. Himmler:

With reference to our discussions in the Fuehrer headquarters and in connection with my letter of 28 September of this year, I take the liberty of sending you the enclosed draft of a Fuehrer decree. Would you be good enough to comment on it?

Heil Hitler!
Yours very truly
[Signed] DR. LAMMERS

[stamp]
Personal Staff of the
Reich Leader SS [Illegible initial]
1 October 1939
Journal No. AR/
To: RF 149

Enclosures:

2. Text of draft decree, undated[1]

DECREE OF THE FUEHRER AND REICH CHANCELLOR FOR THE STRENGTHENING OF GERMANISM [zur Festigung deutschen Volkstums][2]

dated----------

The Poland established at Versailles has ceased to exist. The

[1] The decree later adopted on 7 October 1939 is reproduced immediately below.

[2] "Deutschen Volkstums" is not readily translated into English. Often it was also translated as "German folkdom."

opportunity therefore arises for the greater German Reich to receive and settle in its area German men and women who had to live abroad up to now and to eliminate those of foreign nationality or race [Volksfremde auszuscheiden]. I commission the Reich Leader SS and Chief of the German Police in the Reich Ministry of the Interior to carry through this task according to the following directives:

I

The Reich Leader SS and Chief of the German Police in the Reich Ministry of the Interior will be responsible for—

1. The return of people of German nationality and race living abroad and entitled to return to the Reich permanently.

2. The elimination of the injurious influence of those parts of the non-German population, which in their present position would represent a danger to the Reich and the German racial community—in the existing, and especially, also in the newly acquired, Reich territory[1]; in the Reich territory, and especially also in those parts of the Occupied Eastern Territories, which are to be incorporated into the Reich[2].

3. The placing of agricultural settlers, also from the existing Reich territory, in the newly acquired territories[1]; Reich territory, in the parts of the Occupied Eastern Territories, which are to be incorporated into the Reich[2].

Reich Leader SS is authorized to take all the administrative measures necessary for the performance of these duties. In particular, in order to accomplish the task set for him in paragraph *I* section (2) he may assign the group of people in question to certain areas and quarters.

II

In discharging his task, the Reich Leader SS will, if possible, make use of the existing offices and establishments of the Reich, the provinces and the communities, as well as other public bodies and settlement agencies.

Negotiations with foreign government offices and authorities, as well as with racial Germans who are still abroad, will take place in agreement with the Reich Minister of Foreign Affairs.

If, on the basis of legislation and administrative machinery, no agreement can be reached on a particular measure between the Reich Leader SS on the one hand, and the responsible Supreme Reich Authority or the person entrusted with executive power in the occupied territories on the other hand, my own decision

[1] Wording if the decree is issued *after* the incorporation of the occupied territory.
[2] Wording if the decree is issued *before* the incorporation of the occupied territory.

will be obtained through the Reich Minister and Chief of the Reich Chancellery.

III

If landed property in the existing* Reich territory is needed for the settlement of returning persons of German nationality and race, the law of 29 March 1935 (Reich Law Gazette I, p. 467) concerning procurement of land for purposes of the armed forces and the implementation directives for this law will be applied to obtain the necessary land. The tasks of the Reich Office for Procurement of Land will be taken over by the office designated by the Reich Leader SS.

IV

The means necessary for carrying through these measures will be made available to the Reich Leader SS by the Reich Minister of Finance.

Berlin, this_____day_____
The Fuehrer and Reich Chancellor
The Reich Minister and Chief of the Reich Chancellery

3. Letter from Himmler to Lammers, 4 October 1939

[stamp]
Personal Staff of the Reichsfuehrer SS
Administration of Central Files
File No: AR/35/1

4 October 1939

Journal No.: AR/149
RF/Pt.
To the Reich Minister and Chief of the Reich Chancellery Dr. Lammers
Berlin W 8, Voss Str. 6.
Dear Mr. Lammers:

I am in receipt of your letter of 29 September 1939 with the draft of the Fuehrer decree for the consolidation of German folkdom. I am in complete agreement with the decree and have no amendments to suggest.

Heil Hitler!
Yours very truly
[Initials] HH [HEINRICH HIMMLER]

4 October 1939 [Illegible initials]

* Wording if the decree is issued *after* the incorporation of the occupied territory.

TRANSLATION OF DOCUMENT NO-3075
PROSECUTION EXHIBIT 1305

FUEHRER DECREE OF 7 OCTOBER 1939, SIGNED BY HITLER, GOERING, DEFENDANT LAMMERS, AND KEITEL, CONCERNING RESETTLEMENT OF GERMAN CITIZENS AND RACIAL GERMANS, ELIMINATION OF THE HARMFUL INFLUENCE OF ALIEN PARTS OF POPULATIONS, AND RELATED MATTERS

Fuehrer Decree, Orders from the Reich Commissioner
Fuehrer Decree

DECREE OF THE FUEHRER AND REICH CHANCELLOR FOR THE STRENGTHENING OF GERMANISM

Dated 7 October 1939

(not yet published)

The consequences which Versailles had on Europe have been removed. As a result, the greater German Reich is able to accept and settle within its space German people, who up to the present had to live in foreign lands, and to arrange the settlement of national groups within its spheres of interest in such a way that better dividing lines between them are attained. I commission the Reich Leader SS with the execution of this task in accordance with the following instructions:

I

Pursuant to my directions the Reich Leader SS is called upon to—

1. Bring back those German citizens and racial Germans abroad who are eligible for permanent return into the Reich.

2. Eliminate the harmful influence of such alien parts of the population as constitute a danger to the Reich and the German community.

3. Create new German colonies by resettlement, and especially by the resettlement of German citizens and racial Germans coming back from abroad.

The Reich Leader SS is authorized to give such general orders and to take such administrative measures as are necessary for the execution of these duties.

To carry out the task allotted to him under paragraph *I*, point 2, the Reich Leader SS can assign certain dwelling areas to the parts of the population in question.

II

In the occupied, formerly Polish territories, the Chief of Administration Upper-East carries out the task allotted to the

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Reich Leader SS, according to the latter's instructions. The Chief of Administration Upper-East and subordinated chiefs of administration for military districts are responsible for the execution. The measures they take must be in keeping with the requirements of the military command.

Persons, insofar as they act on special orders for the purpose of carrying out these tasks, do not come under the jurisdiction of the Wehrmacht.

III

Insofar as the Reich Leader's SS task concerns the creation of a new German peasantry, the Reich Minister of Food and Agriculture will act for the Reich Leader SS and according to his general instructions.

Otherwise the Reich Leader SS will use the services of Reich county and local authorities and institutions as well as those of other public corporations and already existing settlement organizations for the execution of his task within the territory of the German Reich.

In cases where agreement between the Reich Leader SS on the one hand and the competent Supreme Reich Authority (in operational theaters the Commander in Chief of the Army) on the other hand, cannot be reached on measures which by reason of legislation and administrative organization require such agreement, my decision is to be obtained through the Reich Minister and Chief of the Reich Chancellery.

IV

Negotiations with foreign governmental offices and authorities, or with racial Germans while they are still abroad, have to be carried on in agreement with the Reich Minister for Foreign Affairs.

V

Insofar as land within the territory of the Reich is needed for the settlement of returning German citizens or racial Germans, its acquisition is governed by the law concerning the acquisition of land for army purposes, dated 29 March 1935 (Reich Law Gazette I, p. 467), and the regulatory statutes relating to this law. The Reich Leader SS will determine which authority is to take over the duties of the Reich Office for the Procurement of Land.

VI

The Reich Minister of Finance will provide the Reich Leader SS with the financial means necessary for putting the above measures into operation.

Berlin, 7 October 1939 The Fuehrer and Reich Chancellor
Signed: ADOLF HITLER
The President of the Council of Ministers
for the Defense of the Reich
Signed: GOERING, Field Marshal
The Reich Minister and Chief of the Reich Chancellery
Signed: DR. LAMMERS
The Chief of the High Command of the Armed Forces
Signed: KEITEL

TRANSLATION OF DOCUMENT NG-4699
PROSECUTION EXHIBIT 1257

CONFIDENTIAL INFORMATION FROM THE OFFICE OF THE REICH PRESS CHIEF, 13 JANUARY 1940, GIVING INSTRUCTIONS CONCERNING THE USE OF "ANTI-SEMITIC THEMES," THE "JEWISH-CAPITALIST THEME," AND RELATED MATTERS*

13 January 1940

Confidential Information [V.I.] No. 11/40

Secret

It is to be observed that, with few exceptions, the press has not yet understood how to stress in their daily journalistic work the propagandistic Parole of the New Year's Message of the Fuehrer, wherein he discussed the battle against the Jewish and reactionary warmongers in the capitalist democracies. Anti-Semitic themes are a part of the daily press material as clear expositions of the social backwardness of the moneybag democracies who wish to salvage their exploitation methods through this war. In this connection many well-known circumstances (London slums, etc.) may be treated in text and illustration. The anti-Semitic theme, which has become timely in the case of Hore-Belisha, should not be permitted to remain in the background. The National Socialist Press Service [NSK] will provide current material for both groups of thematic material.

The stressing of these clear propaganda lines must, however, include appropriate copy, headlines, and commentaries with respect to current new material.

Only by closest attention on the part of the editors in directing the Jewish-capitalist theme will the necessary long-term propagandistic effect be achieved.

* Defendant Dietrich's functions as Reich Press Chief of the Nazi Party and as Press Chief of the Reich government are the subject of two Hitler orders reproduced in Volume XII, section VI C. The first is Hitler's order of 28 February 1934, announcing the functions of the "Reich Press Chief of the NSDAP," Document NG-3081, Prosecution Exhibit 857; the second is Hitler's order of 26 November 1937, appointing Dietrich "Press Chief of the Reich government," Document NG-3564, Prosecution Exhibit 864.

TRANSLATION OF DOCUMENT NG–4698
PROSECUTION EXHIBIT 1258

PRESS DIRECTIVE, 15 FEBRUARY 1940, CONFIRMING FOREIGN PRESS REPORTS ON THE TRANSPORT OF 1,000 GERMAN JEWS TO POLAND AND DIRECTING THAT THIS MATTER IS TO BE TREATED CONFIDENTIALLY

Instructions from the Press Conference of 15 February 1940
Directive No. 347

The foreign press declares that 1,000 German Jews have been transported to the Government General. The report is correct, but it is to be treated as confidential.

TRANSLATION OF DOCUMENT NG–2490
PROSECUTION EXHIBIT 1529

MEMORANDUM FROM DEFENDANT LAMMERS TO HIMMLER, 28 MARCH 1940, TRANSMITTING A REPORT SENT TO LAMMERS ANONYMOUSLY, ENTITLED "DEPORTATION IS BEING CONTINUED —THE DEATH MARCH FROM LUBLIN—DEATHS FROM FREEZING—GOERING'S DECISION APPEALED TO"

Berlin, 28 March 1940
now at Berchtesgaden

The Reich Minister and Chief of the Reich Chancellery
Rk. 4797 B
1. To the Reich Leader SS and Chief of the German Police in the Reich Ministry of the Interior
Berlin SW 11, Prinz-Albrecht-Strasse 8
Written: Ko
Read: Le./Bru
Dispatched: 29/3 Ma
with 1 encl.

Dear Mr. Himmler:

In accordance with the wish expressed in your letter of 14 January 1940—1 185/40 Ads.—I am pleased to send you herewith a photostatic copy of a memorandum (Eingabe), "The Deportation is Being Continued," which was sent to me anonymously.*

[Handwritten] blue
Photostat of RK 4797 encl.

Heil Hitler!
Very respectfully yours
(name of the Reich Minister
[Initial] L [LAMMERS]

* In addition to the photostat of the memorandum, Lammers' note to Himmler enclosed a photostat of an envelope stamped "Berlin-Charlottenburg 2, 16 March 1940" and addressed "Personal. To Herrn Reich Minister Dr. Lammers, Berlin W. 35, Von der Heydstrasse 18."

2. To the files

[Illegible initials] 20 March

Bt.

[Enclosure]

Deportation is Being Continued

The Death March from Lublin—Deaths from Freezing—Goering's Decision Appealed to

The following report is based on the findings of the mixed Polish-Jewish Relief Committee in the Government General which is cooperating with the American Quaker Organization (The Society of Friends) as well as with delegates of the Red Cross and the district authorities of the Governor General for the Occupied Polish Territory.

[Handwritten] (1) Received anonymously (2) Herr Kritzinger [Illegible initials] [Initial] L [Lammers].

The contents represent an urgent appeal to the conscience of mankind and the sense of responsibility of the entire world.

Krakow, 14 March 1940

In spite of the objections of the Government General to a hasty and unplanned continuation of the deportation of Jewish German nationals to eastern Poland this is being continued at the order of the Reich Leader SS.

On 12 March 1940, 160 more Jews were evacuated from *Schneidemuehl* in a freight car to the Lublin district. Additional transports are reported in Lublin. The deported persons had to leave their entire property behind. *They were not allowed to take even a suitcase with them.* The women had to give up their handbags before the trips. Some persons had their overcoats taken away from them, these being men and women who had tried to put on several coats or suits of underwear over each other as a protection against the cold. They were not allowed to take one cent in cash with them, not even the 20 zloty which those deported from Stettin were allowed. Nor were they permitted to take food, beds, household articles (cooking pots, etc.) with them. Upon their arrival in Lublin the deportees only had with them what they wore on their bodies.

The deportees are divided up among the villages of *Piaski, Glusk,* and *Belcyca* at a distance of about 26–30 kilometers from Lublin. The deportees from Stettin are also living there, as many of them as are still alive.

Men, women, and children had to march from Lublin to these villages on foot in a temperature of 22° [centigrade] below

zero, along country roads deeply covered with snow. Shocking things occurred during this march. Of the approximately 1,200 persons deported from Stettin, 72 persons, including men and women up to 86 years old, were left lying on the march, which lasted more than 14 hours. The greater part of these people froze to death. Among them was a mother who was carrying her 3 year old child in her arms, tried to protect it from the cold with her clothes and was left lying in this position after inhuman hardships. Furthermore, the body of a child about 5 years old was found in a half frozen condition. It carried a cardboard sign around its neck with the name "Renate Alexander from Hammerstein in Pomerania." It appeared that this child was deported with the others while visiting relatives in Stettin, while its parents are still living in Germany. This child had to have its hands and feet amputated in the Lublin hospital. After the transport the corpses were collected on sleds along the country road and brought to the Jewish cemeteries in Piaski and Lublin.

Upon their arrival in the three villages the deportees were left to seek lodgings in the overcrowded houses and huts of the local Jews. Since there were no additional quarters available anywhere, the greater part of the deportees had to be lodged in stables, sheds, etc.; and since, besides this, there is no food except black bread, and the sanitary conditions are desperate, numerous persons are dying every day, especially old people and children. Up to 12 March the death rate among the Jews deported from Stettin alone increased to a total of 230. The Relief Committee is doing everything in its power. But it cannot procure any quarters and can also improve the food situation only to an insignificant degree. Medicine, ointment against chilblains, etc. are completely lacking. There is a lack of clothing, underwear, in short, everything. In view of the almost indescribable misery, some of the local Jews are on bad terms with the ones deported from Germany which is primarily caused by the diversity of languages and educational background. In addition to this the deportees arrive completely without means, have no cooking facilities, and in this way are slowly perishing. The Government General for the Occupied Polish Territories (District Chief Governor Zoerner) has disclaimed any responsibility for these occurrences and consequences resulting therefrom. Field Marshal Goering has been informed of these occurrences.

TRANSLATION OF DOCUMENT NO–1880
PROSECUTION EXHIBIT 1314

"REFLECTIONS ON THE TREATMENT OF PEOPLES OF ALIEN RACES IN THE EAST" A SECRET MEMORANDUM HANDED TO HITLER BY HIMMLER ON 25 MAY 1940*

[Handwritten] Dr. Gross of the Racial Policy Office has been informed 28 November 40
Wolff

For the files

[stamp] Top Secret

Reflections on the Treatment of Peoples of Alien Races in the East

Concerning the treatment of peoples of alien races in the East we have to see to it that we acknowledge and cultivate as many individual ethnic groups as possible, that is, outside of the Poles and the Jews, also the Ukrainians, the White Russians, the Gorals [Goralen], the Lemcos [Lemken] and the Cashubos [Kaschuben]. If other small and isolated national groups can be found in other places, they should be treated the same way.

What I want to say is that we are not only most interested in not unifying the population of the East, but, on the contrary, in splitting them up into as many parts and fragments as possible.

But even within the ethnic groups themselves we have one interest in leading these to unity and greatness, or perhaps arouse in them gradually a national consciousness and national culture, but we want to dissolve them into innumerable small fragments and particles.

We naturally want to use the members of all these ethnic groups, especially of the small ones, in positions of police officials and mayors. Only the mayors and local police authorities will be allowed to head those ethnic groups. As far as the Gorals are concerned the individual chieftains and elders of the tribes, who live in continuous feud with each other anyhow, should fill these positions. There must be no centralization toward the top, because only by dissolving this whole conglomeration of peoples of the Government General, amounting to 15 million, and of the 8 million of the eastern provinces, will it be possible for us to carry out the racial sifting which must be the basis for our considerations: namely selecting out of this conglomeration the racially valuable and bringing them to Germany and assimilating them there.

* This memorandum is undated, but the time of Himmler's handing it to Hitler and others is noted in the next document reproduced herein.

Within a very few years—I should think about 4 to 5 years—the name of the Cashubes, for instance, must be unknown, because at that time there won't be a Cashubian people any more (this also goes especially for the West Prussians). I hope that the concepts of Jews will be completely extinguished through the possibility of a large emigration of all Jews to Africa or some other colony. Within a somewhat longer period, it should also be possible to make the ethnic concepts of Ukrainians, Gorals and Lemcos disappear in our area. What has been said for those fragments of peoples is also meant on a correspondingly larger scale for the Poles.

A basic issue in the solution of all these problems is the question of schooling and thus the question of sifting and selecting the young. For the non-German population of the East there must be no higher school than the four-grade elementary school. The sole goal of this school is to be—

Simply arithmetic up to 500 at the most; writing of one's name; the doctrine that it is a divine law to obey the Germans and to be honest, industrious, and good. I don't think that reading is necessary.

Apart from this school there are to be no schools at all in the East. Parents, who from the beginning want to give their children better schooling in the elementary school as well as later on in a higher school, must take an application to the Higher SS and Police Leaders. The first consideration in dealing with this application will be whether the child is racially perfect and conforming to our conditions. If we acknowledge such a child to be as of our blood, the parents will be notified that the child will be sent to a school in Germany and that it will permanently remain in Germany.

Cruel and tragic as every individual case may be, this method is still the mildest and best one if, out of inner conviction, one rejects as unGerman and impossible the Bolshevist method of physical extermination of a people.

The parents of such children of good blood will be given the choice to either give away their child; they will then probably produce no more children so that the danger of this subhuman people of the East [Untermenschenvolk des Ostens] obtaining a class of leaders which, since it would be equal to us, would also be dangerous for us, will disappear—or else the parents pledge themselves to go to Germany and to become loyal citizens there. The love toward their child, whose future and education depends on the loyalty of the parents, will be a strong weapon in dealing with them.

Apart from examining the applications made by parents for

better schooling of their children, there will be an annual sifting of all children of the Government General between the ages of 6 to 10 years in order to separate the racially valuable and non-valuable ones. The ones considered racially valuable will be treated in the same way as the children who are admitted on the basis of the approved application of their parents.

I consider it as a matter of course from an emotional as well as from a rational viewpoint that the moment children and parents come to Germany they are not treated like lepers in the schools and in everyday life, but, after having changed their names, they should, in full confidence, be incorporated into the German life, although attention and vigilance must be exercised with regard to them. It must not happen that the children be made to feel as outcasts, because, after all, we believe in this, our own blood, which, through the errors of German history has flowed into an alien nationality and we are convinced that our ideology and our ideals will strike a chord of resonance in the racially equal soul of these children. Here teachers and Hitler Youth leaders especially must do an out-and-out job, and the mistake that has been made in the past with the people from Alsace Lorraine must never be repeated; namely, that on one side one wants to win the people as Germans, and on the other side one constantly hurts and repudiates their human value, their pride and honor through distrust and insults. Insults like "Polack" and "Ukrainian" or something like that must be made impossible.

The children will have to be educated in an elementary school and after those four grades it can be decided whether the children should continue to go to the German grammar school or should be transferred to a national political institution of education.

The population of the Government General during the next 10 years, by necessity and after a consistent carrying out of these measures, will be composed of the remaining inferior population supplemented by the population of the eastern provinces deported there, and of all those parts of the German Reich which have the same racial and human qualities for instance, parts of the Sorbs [Sorben] and Wends [Wenden].

This population will, as a people of laborers without leaders, be at our disposal and will furnish Germany annually with migrant workers and with workers for special tasks (roads, quarries, buildings) : they themselves will have more to eat and more to live on than under the Polish regime; and, though they have no culture of their own, they will, under the strict, consistent, and just leadership of the German people, be called

upon to help work on its everlasting cultural tasks and its buildings and perhaps, as far as the amount of heavy work is concerned, will be the ones who make the realization of these tasks possible.

TRANSLATION OF DOCUMENT NO–1881
PROSECUTION EXHIBIT 1313

FILE NOTE OF HIMMLER, 28 MAY 1940, CONCERNING THE HANDLING AND DISTRIBUTING OF HIS MEMORANDUM ON THE TREATMENT OF ALIEN RACES IN THE EAST

The Reich Leader SS

Special Train, 28 May 1940

Top Secret

On Saturday, 25 May, I handed my memorandum on the treatment of peoples of alien race in the East to the Fuehrer.* The Fuehrer read the six pages and considered them very good and correct. He directed, however, that only very few copies should be issued; that there should be no large edition, and that the report is to be treated with utmost secrecy. Minister Lammers was likewise present. The Fuehrer wanted me to ask Governor General Frank to come to Berlin in order to show him this report and to tell him that the Fuehrer considered it to be correct.

I suggested to the Fuehrer that Minister Lammers, who had received one copy from me, be ordered to present this report to the four Gauleiters of the eastern Gaue: Koch, Forster, Greiser, the Oberpraesident of Silesia, the Governor General Frank, as well as to Reich Minister Darré, and to inform them that the Fuehrer acknowledged and sanctioned this report as a directive.

Then a short file note should be made concerning the notification of the persons named as to the contents of the report. The Fuehrer agreed and gave the order to Minister Lammers.

Reich Leader Bormann received another copy for notification of the deputy of the Fuehrer.

One copy was given to the chief of my office, SS Brigadier General Greifelt in his capacity as Reich Commissioner for the Strengthening of Germanism. I shall give him the order to inform in turn all Chiefs of the Main Offices as well as the first five concerned Higher SS and Police Leaders East, North East, Vistula, Warta, and South East and to have a report made on this subject in the same manner. The notification to the Chiefs of the Main Offices shall be effected by an SS Leader who will have to wait until the chief concerned of the Main Office has read the

* Document NO–1880, Prosecution Exhibit 1314, reproduced immediately above.

report and has acknowledged it by his signature. At the same time everyone has to confirm that he has been informed of the fact that this is to be considered as a directive, but that it shall never be laid down in an order of one of the Main Offices either in form of a mere excerpt or from memory.

Moreover SS Brigadier General Greifelt is authorized to bring the contents of the report to the attention of Mayor Winckler and his own main collaborators; the latter he shall suggest to me.

Furthermore, I will personally give one copy to the Chief of the Security Police with the order to notify his main coworkers in the above described manner and without making any copies.

He has to suggest to me the circle of coworkers who are to be informed of the report.

[Handwritten by Himmler]

The same applies to the Chief of the Race and Settlement Main Office.

The Reich Leader SS

TRANSLATION OF DOCUMENT NG-1645
PROSECUTION EXHIBIT 1315

EXTRACT FROM ARTICLE IN THE NEWSPAPER "NS-LANDPOST," 7 JUNE 1940, CONCERNING THE TASK OF DEFENDANT DARRÉ IN CONNECTION WITH AGRICULTURE IN POLAND, THE UTILIZATION OF GERMANS OR RACIAL GERMANS FOR AGRICULTURAL MANAGEMENT, AND RELATED MATTERS[1]

"Agriculture in the New Eastern Territories. The Work of the Ostdeutsche Landbewirtschaftungs G.m.b.H.," by Dr. H. Berger[2]

The occupation of Poland in September 1939 confronted the Reich Food Minister with a task, the magnitude and difficulty of which was governed by the extent of the occupied area and the speed of the military occupation. In the very shortest space of time, immediately upon the heels of the invading army, harvesting, especially of all the root crops, had to be started; livestock which had been carried off or was found straying had to be returned to the farms and the farms themselves set going again so as to secure the harvest for 1940.

Immediately behind the advancing army, the entire occupied area (including the present Government General) became dotted with farmers from the Reich, at first widely distant. It was their task to ensure continued cultivation by all available means.

[1] The "NS" in the name of this newspaper stands for "National Socialist."
[2] Not defendant Berger.

More agricultural workers to run the derelict estates and farmsteads were continually being applied for according to the requirements. On the basis of applications and after examination of the applicant's particulars, these agricultural workers were summoned to Berlin and sent on their journey to the areas requesting them. The area south of East Prussia was supplied by the province of East Prussia in the same way as the area now constituting the Danzig-West Prussia Gau was supplied by Danzig, whereas the Warthegau, the district of Kattowitz, and the area now constituting the Government General were directly supplied by the Reich Food Ministry. A great number of farmers, required for running the farms, were also taken from the army and from among the racial Germans on the spot. Almost at the same time, a great number of tractors, tractor implements, steam plow units, threshing implements, steaming apparatus and other appliances were shipped to the East for immediate use.

The speed of the supply columns and the eagerness to work of thousands of German farmers, many of whom (among them a considerable number of reliable lessees of government land) had temporarily left their own or leased farms in the Reich, were the main factors contributing to the success of the operation. Untrammeled by red tape, this tremendous task, unique of its kind, was accomplished by eager cooperation and adaptation to the new conditions as well as could at all be expected.

In appraising this achievement, one must not lose sight of the fact that in the Incorporated Eastern Territories alone, nearly 5,000 large farms and hundreds of thousands of small Polish farms had to be brought in. Their total area amounted to almost a fifth of the agricultural area of the old Reich (Germany up to December 1937). In addition, the organization had to be improvised to suit the necessities of the moment and had to cope with the fact that agriculture had already been deprived of many efficient farmers who were serving in the army.

At the time they were taken over, Polish agriculture as well as the individual farms bore the marks of decades of Polish agricultural policy. The use of fertilizers was unknown to many farmers, cattle raising methods were generally inadequate, and the herds were of poor quality. The buildings had been partly destroyed by fire, and those available were in a poor state of maintenance and were dilapidated. Modern machines were lacking. On many large farms and nearly all the small Polish farms conditions can still be found which we, with our well ordered conditions, are unaccustomed to.

During the long winter which set in early, first of all the estates were overhauled from a production point of view, and

lectures on the economic objectives were given to such managers and administrators of small farms as had already been appointed. These objectives were to raise output, to increase root crop and oil seeds cultivation, to intensify and improve livestock keeping, to increase farm produced fodder, etc., also appropriate plans for the cultivation of the land were worked out. The use of commercial fertilizers has already considerably increased this year. In order to raise crops and improve their quality, seeds were made available. Livestock (horned cattle, pigs, and sheep) was increased by additions from the old Reich. With the help of bookkeeping centers, bookkeeping was introduced on the larger farms.

Pursuant to the decree of 12 February 1940, all agricultural and forestry undertakings and estates located in the Incorporated Eastern Territories (not the Government General), which on 1 September 1939 were not owned by persons of German extraction, will be put under State management. For the purpose of implementing State management, the Reich Minister for Food and Agriculture has appointed the "East German Land Cultivation Company, Inc." (Eastland) [Ostdeutsche Landbewirtschaftungsgesellschaft m.b.H. (Ostland)] as Custodian General. The lands formerly owned by the Polish State will be excluded and will be managed by the administration of lands owned by the State [Domaenenverwaltung] of the Reich Ministry of Food and Agriculture. The economic tasks of the "land cultivation" of the farms not owned by Germans as well as the whole machinery of management in the Incorporated Eastern Territories have thus devolved on this corporation.

The late spring made it necessary first of all to employ all available labor for tillage. The tractors loaned for use in the fall of 1939 were purchased by the Ostland at the beginning of April and used on a large scale. They were operated day and night as far as possible so that spring tillage, despite the late start, had made good progress by April.

The organization predominantly designed to deal provisionally with purely agricultural assignments is now being consolidated by the Ostland in administrative and credit matters. It must be a further aim to exert a stronger influence on the management of the smaller Polish farms than has hitherto been possible in by far the largest part of the area.

The Central Office of the Ostland will be kept as small as possible—indoctrination in methods of production management and the administrative work has been delegated to eight branches—corresponding to the administrative areas * * *.

* * * * * * *

[Typed file symbol]
O.L. 253 [Ostland 253]
6.9.40.-75 [6 September 1940 – 75]

TRANSLATION OF DOCUMENT NG–2586–B
PROSECUTION EXHIBIT 1445

MEMORANDUM BY RADEMACHER, 3 JULY 1940, ENTITLED "THE JEWISH QUESTION IN THE PEACE TREATY," NOTING THAT THE DESIRABLE SOLUTION IS TO "GET ALL THE JEWS OUT OF EUROPE," PROPOSING THAT MADAGASCAR BECOME A GERMAN MANDATE TO WHICH EUROPEAN JEWS BE SENT, AND RELATED MATTERS

The Jewish question in the peace treaty

The imminent victory gives Germany the possibility and, according to my opinion, also the obligation to solve the Jewish question in Europe [die Judenfrage in Europa]. The desirable solution—Get all the Jews out of Europe. The task of the Foreign Office in this respect is—

a. To lay the foundation for this demand in the peace treaty and to carry the same demand into effect by individual negotiations with the countries in Europe that are affected by the peace treaty

b. To secure in the peace treaty the territory, necessary for the settlement of the Jews and to establish the principle for the collaboration of the enemy countries on this problem

c. To determine the position in public law of the new overseas territory for Jewish settlement

d. As preliminary work—

(1) Clarification of the wishes and plans of the Party, State, and scientific bureaus interested and the coordination of these plans with wishes of the Reich Foreign Minister. Part of this is also

(2) The creation of a survey on factual basic dates which are to be found at the individual bureaus (number of the Jews in the individual countries), utilization of their property by an international bank

(3) Negotiations with Italy, our friend

The Referat D III has already approached the Reich Foreign Minister through Department Germany about initiating preliminary work and was commissioned by him to start this preliminary work immediately. Conferences with the bureau of the Reich Leader SS, with the Ministry of the Interior, and with some Party offices have already taken place. These offices approved of the following plan of office (Referat) D III.

Referat D III suggests the following for the solution of the Jewish question: The peace treaty with France contains a clause whereby France has to put the isle of Madagascar at our disposal for the solution of the Jewish question, and its approximate 25,000 Frenchmen domiciled there are to be evacuated and compensated. The island will be transferred to Germany as a mandate. The bay of Diego-Suarez, important for reasons of naval strategy, as well as the harbor of Antsirana become German naval bases (there will perhaps also be the possibility for the further extension of these naval bases to the harbors—open landing places—Tamatave, Andevorante, Mananjary, etc., if the Navy so desires). Apart from these naval bases merely parts of the country which are suitable for establishing air bases are cut out from the territory of the Jews. The part of the island that is not required for military reasons is put under the administration of a German Police Governor, who in turn is subordinated to the administration of the Reich Leader SS. Otherwise the Jews will get autonomy in the territory; their own mayors, their own police, their own post and railway administration, etc. The Jews are responsible as joint debtors for the value of the island. The whole European property, owned by them so far, is transferred for this purpose to an European bank which is to be founded. As far as this property is not sufficient for the payment of the real estate values which change into their hands and for the purchase in Europe of goods, necessary for the reconstruction of the island, they will receive at their disposal bank credits from this source.

As Madagascar becomes only a mandate, the Jews settling there do not acquire German citizenship. However, all Jews who are deported to Madagascar are deprived of their citizenship of the individual European countries, effective from the time of deportation. Instead they become members of the Mandate Madagascar. This regulation removes the chance that the Jews establish a Vatican state of their own in Palestine and thus exploit for their own aims the symbolic value which Jerusalem has for the Christian and Mohammedan world. Besides, the Jews remain under German domination as a pawn for the future good conduct of their racial comrades in America. The generosity shown to the Jews by Germany in granting the cultural, economic, administrative, and judicial autonomy, can be exploited from the point of view of propaganda. It can be emphasized in this respect that our German sense of responsibility toward the world forbids to offer immediately the gift of an independent state to a race which knew no national independence for thousands of

years; national independence must of necessity stand the trial of history.

Berlin, 3 July 1940

[Signed] RADEMACHER

TRANSLATION OF DOCUMENT NG-4893
PROSECUTION EXHIBIT 1688

NINE ITEMS OF CORRESPONDENCE AND NOTES FROM GERMAN FOREIGN OFFICE FILES, 20 AUGUST–23 DECEMBER 1940, CONCERNING ANTI-JEWISH MEASURES IN FRANCE

I. Coded Telegram from Ambassador Abetz in Paris to von Ribbentrop, 20 August 1940, Requesting Approval of Immediate Anti-Semitic Measures "which may serve as a basis for later expulsion of Jews from unoccupied France also"

[Stamp] Foreign Office

[Handwritten] 42 Reich secret 158

[Stamp]
Foreign Office
Political II 3473. Secret
21 August 1940

Telegram (Secret Code V)

Paris, 20 August 1940

Arrived, 20 August 1940, 2010 hours

No. 413 of 20 August

Very urgent

For the Reich Minister

I request your approval for immediate measures of an anti-Semitic nature [antisemitischer Sofortmassnahmen] which may serve as a basis for later expulsion of Jews from unoccupied France, also—

1. Ban on the reimmigration of Jews into occupied France across the line of demarcation.

2. Compulsory registration of Jews residing in the occupied territory.

3. Marking of Jewish stores in occupied France.

4. Appointment of trustees for Jewish stores, plants, storehouses, and warehouses whose owners have fled.

These measures may be explained by reason of the fact that they lie within the interest of security for the German occupying forces, and are to be executed by French authorities.

Signed: ABETZ

2. Letter from Luther to Himmler's Personal Staff Office, 10 September 1940, repeating request for opinion on measures suggested by Abetz

[Handwritten]
Re D III 159 Secret II
[Stamp] Secret

Berlin, 10 September 1940 (Loe)
(1) To the Reich Leader SS Personal Staff
Berlin SW 11
Prinz Albrechtstr. 8
[Illegible handwriting]

On 23 August 1940—D III 42 Secret—I requested your opinion as to the inquiry of Ambassador Abetz, in Paris, with respect to anti-Semitic measures which may serve as a basis for the later expulsion of Jews from unoccupied France.
(2) (Again submitted after two weeks)

Since I have not received an answer so far, and as this matter is very urgent, I request your opinion anew.

The Reich Foreign Minister
BY ORDER:
Signed: LUTHER [Signed] LUTHER
9 September
[Initial] R 9 September

3. Answer from Heydrich to Luther, 20 September 1940, approving the contemplated measures and requesting collaboration with security police

The Reich Leader SS and Chief of the German Police in the Reich Ministry of the Interior
Berlin, SW 11, 20 September 1940
Prinz-Albrecht-Strasse 8
Telephone: 12/00/40
[Stamp] Secret

S–IV D 6—776/40 Secret
[Stamp] Express letter
[Stamp]
Foreign Office
D III
159 Secret
Received 24 September 1940

To the Foreign Office
Attention: SA Colonel Minister Luther
or Deputy

953402—52——11

Berlin W 8

Wilhelmstr. 72–76

Subject: Measures against the Jews in occupied France.
Reference: Letter of 23 August 1940—D III 42 Secret.

I have no objections to the execution of the measures against the Jews planned by Ambassador Abetz for occupied France—

1. Ban on the reimmigration of Jews into occupied France across the line of demarcation.

2. Compulsory registration of Jews residing in the occupied territory.

3. Marking of Jewish stores in occupied France.

4. Appointment of trustees for Jewish stores, plants, storehouses, and warehouses whose owners have fled.

I also agree that these measures should be carried out by French authorities. I should like to say now, however, that in order to assure a rigid execution of the measures mentioned under points 1 to 3, I consider it imperative to appoint a sufficient number of trustees, as mentioned in point 4, who will be capable of representing the German interests, and that I consider it necessary to utilize, on a large scale, the units of the Security Police stationed in occupied France because they in particular have members who are well experienced in the Jewish sphere. The transfer of the control of the activities from the French authorities to the Security Police is particularly necessary in view of the fact that the French police are charged with the carrying out of these measures in any case, and that they are in close touch with the commander of the Security Police.

Therefore, I should like to ask you to insure that the Security Police is utilized accordingly and to inform me of the further developments in this matter.

Signed: HEYDRICH

[Stamp]

The Chief of the Security Police and the SD

Certified.

[Signed] DIETRICH

Clerk

4. Draft copy of letter from Luther to Abetz, 28 September 1940, suggesting that contemplated measures be initially carried out by Vichy government in order to render it responsible in case of failure

Draft copy (LOE)
Foreign Office
D III 159 Secret

28 September 1940
D.
Chief Foreign Organization
[Illegible initials]

Chief of the Foreign Organization

With respect to the telegraphic report No. 413 of 20 August 1940

[Stamp] Top Secret

Contents: Immediate measures against the Jews in occupied territory.

It is impossible to judge here the expediency of the measure against the Jews in occupied territory. However, one should consider the possibility that the opposite of the desired effect may be obtained if the necessary psychological preparation has not taken place.

With respect to the appointment of trustees, it is to be emphasized that it must be on a general basis and that no differentiation appears between Jewish and French enterprises.

It would be desirable that the intended measures are first carried out by the Vichy government, so that the Vichy government will sign as being responsible and will bear the responsibility in the event of failure.

BY ORDER:

[Signed] LUTHER

1. To the Office of Ambassador Abetz, German Embassy, Paris
2.
3. To the files

Z 289

5. Secret telegram from German Embassy in Paris to Foreign Office, 9 October 1940, referring to anti-Jewish regulations issued by the chief of military administration in France and requesting immediate instructions concerning foreign Jews

Telegram (not coded)

Paris, 9 October 1940, 2140 hours
Arrived: 9 October 1940, 2210 hours

[Stamp]
Foreign Office
D III 71 Secret
Received: 10 October 1940

No. 820 of 9 October
To Dr. Schwarzmann, Office of the Minister

The Chief of the Military Administration in France issued a

regulation on 27 September with respect to measures against Jews which, in Article 1, defines a Jew as a person who belongs to the Jewish religion or who is the descendant of more than two Jewish grandparents. Article 2: Reimmigration of Jews who fled to occupied territory is prohibited. Article 3: Every Jew is to report and register in the Jewish Register before 20 October. Article 4: Jewish enterprises are to be marked as such before 31 October, but the administrative division of the Chief of the Military Administration states that this refers to all Jews in occupied territory, no matter of what nationality they may be. The field offices have been directed, however, to exempt American Jews from the application of this regulation.

With respect to Jewish enterprises, individual examinations are to decide upon citizens of other countries from case to case. A number of foreign missions have inquired how to proceed with regard to Jews who are nationals of other countries.

I request *immediate instructions* from your office and directions to be transmitted to the military administration, especially pertaining to the treatment of foreign Jews who are employed in the diplomatic or consular offices.

Signed: SCHLEIER

19 copies, distributed as follows:

No. 1 Office of the R.A.M.
No. 2 R.A.M.
No. 3 SS
No. 4 AO
No. 5 D.A.L.
No. 6 Under State Sec. Political Div. [Woermann]
No. 7 Under State Sec. Legal Div.
No. 8 Chief, Personnel
No. 9 Political Div.
No. 10 L.W.
No. 11 Lg.W.
No. 12 Leg. Legal Div.
No. 13 Leg. Cultural Div.
No. 14 Dirigent
No. 15 Dirigent Press Div.
No. 16 Dirigent Germany Div.
No. 17 Dirigent Political Div.
No. 18 Hewel
No. 19 Regional Governments, Political Div.

6. Memorandum from Rademacher to Juengling, 12 December 1940, referring to request concerning foreign Jewish diplomatic representatives and noting defendant Weizsaecker's agreement with contemplated measures

To Hofrat Juengling [Illegible initials] 13 December

Some time ago we inquired whether the anti-Jewish measures in occupied France would also affect the foreign Jewish diplomatic representatives. Ambassador Abetz replied that if the Jews belonged to the Diplomatic Corps—no; if they were employees of the representatives—yes. State Secretary Weiz-

saecker, at the conference of directors, stated that he was in agreement with this ruling, particularly since the diplomatic representatives concerned are accredited to France and not to the German Reich.

Mr. Kempe of the Protocol Division telephoned me recently and asked me for information regarding these events, as the Protocol Division* had not been informed. I told him that details would be sent to him. Today he reminded me. I am not certain whom I charged with the enquiries into the matter, and would therefore request you to take charge of it and inform the Protocol Division. If necessary I request a conference.
[Handwritten] The files are to be found under D III secret.
Berlin, 12 December 1940

[Handwritten] The files are enclosed.

D III 158 Secret, 159 Secret, 160 Secret

[Signed] RADEMACHER

[Handwritten]

Mr. E. B. Kempe (Protocol)

Submitted for confidential information (early return requested).

[Handwritten] At D III filed, contents noted.

[Signed] JUENGLING
13 December 1940

Berlin. 18 December 1940
[Signed] KEMPE
(Protocol Div.) J.J. 4238

7. Draft of teletype from Luther to German Embassy in Paris, 18 December 1940, requesting information on the ordinances of German military commanders in France and Belgium concerning Jews and information on the application to American Jews of the ordinance in France

Teletype

Draft (Loe.)

Berlin, 18 December 1940, e.o. D III 6190

To the German Embassy, Paris

* Minister Smend (Protocol Division) was informed.

Ref.: Minister Luther
Legation Counsellor Rademacher

Here Foreign Office
German Embassy
Paris—
Verbindedksm [sic]
Buvhier [sic] Paris

Here Germany Division—
I have just heard that a teletype No. 130 from D III dated 18 December 1940 did not arrive.

Yes, it was received here. A note in my book says: Please submit immediately to Legation Counsellor Achenbach Good, O. K.

Please advise whether the ordinance of the Military Commander there [in Paris] concerning compulsory registration of Jews, dated 27 September 1940, agrees in text with the similar order of the Military Commander, Belgium. If not, please transmit by teletype text of Paris order.

I request further information whether excesses against Jewish businesses have taken place since the ordinance was issued. If so, by whom and whether North American nationals were affected. United States has maintained in a note the "vandalism has been committed against American Jews by persons wearing armbands." Your telegram No. 820 dated 9 August[1] reported that the offices of the military commander had been instructed not to apply the ordinance to American Jews. Have these instructions been carried out and are they still observed?

Immediate reply necessary in order to reply to United States note.

Signed: LUTHER

[Signed] Luther 18 December

[Handwritten] J.J. 4236

83–26 France

8. File note concerning von Ribbentrop's decisions on the American note on treatment of Jews, 19 December 1940, and Rademacher's note of 21 December 1940 on action taken thereon

19 December 1940

The Reich Foreign Minister has made the following decision with regard to the enclosed American note—No. 1675:[2]

1. No reply is to be made to the note. If a reminder is received from the American Embassy, an answer is to be made referring them to the previous note which dealt basically with the Jewish question and stating in addition that the measures have been adopted in occupied French territory for reasons of military security.

[1] The telegram referred to was not a part of the exhibit offered in evidence.
[2] This note was not a part of the exhibit offered in evidence.

2. The Reich Foreign Minister does not consider it correct that, as stated in telegram No. 280, dated 9 October, from Paris, the field headquarters have received instructions to exclude American Jews from the application of the ordinance. It would be a mistake to reject the protests of friendly nations, such as Spain and Hungary, and to show weakness, on the other hand, toward America. He therefore considers it necessary to cancel these instructions to the field headquarters.

[Handwritten] J. J. 4234

To be submitted to Germany Division (Rademacher), with reference to the telephonic discussion.
Berlin, 19 December 1940

[Illegible signature]

Ref. III (Legation Counsellor Rademacher)

Note.—On the instructions of Minister Luther, I have today again telephoned the Embassy in Paris for a reply. I spoke to a lady in the Embassy, as Ambassador Abetz and Legation Counsellor Achenbach were in conference. She promised to pass on my wishes to Legation Counsellor Achenbach immediately after the conference.

Berlin, 21 December 1940

[Signed] RADEMACHER
J.J. 4235

9. Secret teletype from Luther to the German Embassy in Paris, 23 December 1940, transmitting order of foreign office to cancel exceptions for American Jews

Berlin, 23 December 1940 (Loe)
1. To the German Embassy, Paris

to D III 176 Secret
(Secret Teletype)

Reference: Teletype message No. 255 dated 21 December 1940 and further to the decree—Teletype message dated 18 December 1940.
D III 6190—Teletype No. 130.
Ref. Minister Luther
Legation Counsellor
Rademacher
Before dispatch: Submitted to Under State Secretary Gaus with the request for countersignature.

The Foreign Office does not consider it desirable to reject protests from friendly nations, such as Spain and Hungary, and on the other hand to show weakness toward America. It re-

quests that the order to the field headquarters according to which Jews of American nationality are to be excluded from the order, be canceled.

I request that the Military Commander in France be asked to adopt corresponding measures. Please inform me by wire when this has been done.

BY ORDER:

[Signed] LUTHER
23 December
[Handwritten] J. J. 4232

2. To be resubmitted after 1 month.

PARTIAL TRANSLATION OF DOCUMENT NG–4934 PROSECUTION EXHIBIT 1629

(*Also* STUCKART DOCUMENTS 631 AND 632, STUCKART DEFENSE EXHIBITS 367 AND 368) [1]

CORRESPONDENCE FROM THE FILES OF THE FOREIGN OFFICE, 29 AND 31 OCTOBER 1940, CONCERNING THE DEPORTATION OF JEWS FROM BADEN AND THE PALATINATE TO UNOCCUPIED FRANCE

I. Memorandum from Heydrich's office to the Foreign Office, 29 October 1940

[Handwritten] Enclosure 2
Berlin SW 11, 29 October 1940
Prinz-Albrecht-Strasse 8
Telephone No. 12 00 40

The Chief of the Security Police and of the SD
IV D 4 2602 /40
When replying please quote above file number

[Handwritten] Z D III 4761

To the Foreign Office attention SA Standartenfuehrer Minister Luther
Berlin

The Fuehrer ordered the deportation of the Baden Jews via Alsace, and of the Palatinate [Pfalz][2] Jews via Lorraine. The operation having been carried out to conclusion, I can now report to you that railway transports left from Baden on 22 and

[1] Most of the first memorandum reproduced here was also introduced as Stuckart Defense Exhibit 367 and the text of the first two sentences of the second memorandum reproduced here was also introduced as Stuckart Defense Exhibit 368.

[2] Reference is to that part of the Palatinate which at that time was a part of Bavaria. It is located immediately east of the Saar.

23 October 1940, and 2 railway transports left the Palatinate on 22 October 1940, with *6,504 Jews*, by prearranged agreement with the local officers of the Wehrmacht, without previous notification of the French authorities. They were transferred into unoccupied France via Chalon-sur-Saône.

The deportation of the Jews took place in all localities of Baden and the Palatinate without friction and without incidents.

The operation itself was scarcely realized by the population.

The registration of the Jewish property values, as well as their trustee administration and utilization will follow through the competent Regierungspraesidenten [heads of regional administration].

Jews living in a mixed marriage were exempted from the transports.

[Illegible signature]

2. Memorandum from Luther of Department Germany, 31 October 1940

[Handwritten]

Filed on 25 Nov

To be resubmitted on 11 Feb [Stamp] SECRET

[Handwritten] to D III 157 secret

Memorandum

Subject: Evacuation of Jews from the Districts Saar-Palatinate and Baden.

On 22 and 23 October 1940, upon order by the Fuehrer, all Jews from the districts of the Saar-Palatinate and Baden have been deported to unoccupied France in nine special trains. The State Police Regional offices in Karlsruhe, Neustadt a.d.H. and Saarbruecken had the order from the Reich Leader SS to prepare and carry out this action in secret. In the morning of 22 October at 0600 hours the Jews were awakened; they had the possibility of getting food supplies and of taking with them 50 kg. of luggage. In 9 special trains, of which 7 came from the district of Baden and 2 from the Saar-Palatinate, the Jews were deported via Alsace, resp. Lorraine. A total of 6,504 Jews were comprised in this action. The action went off smoothly and almost unnoticed by the public.

[Handwritten] I/V.A.A. Wako in the Embassy in Paris have instruction to treat the matter in a dilatory manner.

[Initial] R
6 December
[Handwritten] [Initial] R

As SS Hauptsturmbannfuehrer Guenter of the Reich Security Main Office told me, it was contemplated to inform the French Government. But this was refrained from for unknown reasons. All the trains went via Chalon s/Saône. The Armistice Commission has requested instruction as to how to behave toward the French who have demanded a clarification.
Herewith submitted to Minister Luther

[Signed] LUTHER
Berlin, 31 October 1940
Referat D III
[Handwritten] Klingenhoefer

[Handwritten]

To Bureau RAM, with request to ask for instruction by the Reich Foreign Minister regarding the last paragraph

[Signed] LUTHER 31 October
[Initials] LI 2 November

Immediately

TRANSLATION OF DOCUMENT 1950-PS
PROSECUTION EXHIBIT 1532

LETTER FROM DEFENDANT LAMMERS TO VON SCHIRACH, 3 DECEMBER 1940, TRANSMITTING HITLER'S DECISION TO DEPORT THE REMAINING 60,000 JEWS FROM VIENNA

Berlin, W 8 3 December 40
Voss Str. 6

The Reich Minister and Chief of the Reich Chancellory
RK. 789 B secret

SECRET

[Stamp]
Received: 13 December 1940
Ia Pol VIII—153/40g Blg A

To the Reich Governor in Vienna
Gauleiter von Schirach, Vienna

Dear Mr. von Schirach:

As Reichsleiter Bormann informs me, the Fuehrer has decided after receipt of one of the reports made by you, that the 60,000 Jews, still residing in the Reichsgau Vienna, will be deported most rapidly, that is, still during the war, to the Government General because of the housing shortage prevalent in Vienna. I have informed the Governor General in Krakow as well as the

Reich Leader SS about this decision of Fuehrer, and I request you also to take cognizance of it.

Heil Hitler!
Your obedient
[Signed] DR. LAMMERS
[Handwritten] Ia Pol.
Copy given to pp and Hago and bn
[Illegible initial] 9 December

Copies:
1. to Dr. Dellbruegge
2. Reg. Praes. Jung
9 Dec 40/HK

PARTIAL TRANSLATION OF DOCUMENT NG–1123
PROSECUTION EXHIBIT 3902

LETTER FROM DEFENDANT LAMMERS TO BORMANN, 7 JUNE 1941, STATING HITLER HAD REJECTED A PROPOSED DECREE ON STATELESS JEWS AND ADDING AS "CONFIDENTIAL INFORMATION" HITLER'S REASON THAT "AFTER THE WAR THERE WOULD NOT BE ANY JEWS LEFT IN GERMANY ANYHOW"*

* * * * * * *

3. To the Chief of the Party Chancellery
Herr Reich Leader Martin Bormann, *at present at Obersalzberg*

Subject: Draft of an 11th decree to the Reich Citizenship Law concerning the status of stateless Jews.

Dear Mr. Bormann:

The Reich Minister of the Interior has transmitted to me with his communication of 8 April 1941 the draft of an 11th decree to the Reich Citizenship Law and of an implementing ordinance to it, and has asked me to obtain a decision in principle by the Fuehrer in regard to the measures against the Jews outlined in the drafts. I am informed by the Reich Minister of the Interior that the office of which you are in charge has cooperated decisively in the drawing up of the plans.

[Typed marginal remark] Bf. Abschr. v. Ziff. 1.

I have reported both drafts to the Fuehrer. Please note the

* Document NG–1123 contained a number of memoranda and various correspondence concerning the drafting of the 11th decree to the Reich Citizenship Law. The Reich Citizenship Law was one of the original "Nuernberg Laws" of 15 September 1935. Subsequent measures against Jews were often issued as implementing decrees "to the Reich Citizenship Law." The "Eleventh Decree to the Reich Citizenship Law," dated 25 November 1941, is reproduced below (Document NG–2499, Pros. Ex. 1536). At least from March 1941, the drafting of this 11th decree had been discussed among leading Reich agencies. Further documents concerning this decree are reproduced in the materials on the Justice case, Volume III, this series.

decision of the Fuehrer from the enclosed copy of my letter to the Reich Minister of the Interior. For your own confidential information I take the liberty of adding the following: The reason why the Fuehrer rejected the legislation proposed by the Reich Minister of the Interior was chiefly, that he is of the opinion that after the war there would not be any Jews left in Germany anyhow ["Sowieso" crossed out and "ohnedies" handwritten above it] and that therefore it is not necessary to issue now a regulation which would be difficult to enforce, which would tie up personnel, and which would not bring about a solution in principle.

Heil Hitler!
Respectfully yours
(Name of the Reich Minister)
[Initial] L [LAMMERS]

TRANSLATION OF DOCUMENT NG-1688
PROSECUTION EXHIBIT 528

DECREE SIGNED BY HITLER, KEITEL, AND DEFENDANT LAMMERS, 17 JULY 1941, MAKING "POLICE SECURITY" IN THE NEWLY OCCUPIED EASTERN TERRITORIES A MATTER FOR REICH LEADER SS HIMMLER

Fuehrer Decree Regarding Police Security Within the Newly Occupied Eastern Territories, on 17 July 1941

I

The police security of the newly occupied Eastern Territories is a matter for the Reich Leader SS and Chief of the German Police.

II

After introducing the civilian administration in these territories, the Reich Leader SS is authorized to give directions to the Reich Commissioners within the sphere of his task designated under I. As far as these directions are of a general character or of real political importance, they will have to go through the office of the Reich Minister for the occupied Eastern Territories. However, not if a direct threatening danger is to be averted.

III

In order to carry out this police security, every Reich Commissioner will be assisted by one Higher SS and Police officer, who is directly and personally subordinate to the Reich Commissioner.

To the General Commissioners, Chief and Area Commissioners SS and Police officers will be assigned, who are directly and personally subordinate to them.

Fuehrer Headquarters, 17 July 1941

The Fuehrer
Signed: ADOLF HITLER

The Chief of the High Command of the Armed Forces
Signed: KEITEL

The Reich Minister and Chief of the Reich Chancellery
Signed: DR. LAMMERS

(L.S.)

TRANSLATION OF DOCUMENT NG-2586-E
PROSECUTION EXHIBIT 1448

(*Also* STUCKART DOCUMENT 635
STUCKART DEFENSE EXHIBIT 371)

LETTER FROM GOERING TO HEYDRICH, 31 JULY 1941, COMMISSIONING HEYDRICH WITH THE ADDITIONAL TASK OF PREPARATIONS "FOR A FINAL SOLUTION OF THE JEWISH QUESTION IN THOSE TERRITORIES WHICH ARE UNDER GERMAN INFLUENCE"

Berlin, 31 July 1941

The Reich Marshal of the Greater German Reich
Plenipotentiary for the Four Year Plan
Chairman of the Ministerial Council for the Defense of the Reich

To the Chief of the Security Police and the SD
SS Major General Heydrich
Berlin

As supplement to the task which was entrusted to you in the decree dated 24 January 1939,* namely to solve the Jewish question by emigration and evacuation in a way which is the most favorable in connection with the conditions prevailing at the time, I herewith commission you to carry out all preparations with regard to organizational, factual, and financial viewpoints for a total solution of the Jewish question [fuer eine Gesamtloesung der Judenfrage] in those territories in Europe under German influence.

If the competency of other central organizations is touched in this connection, these organizations are to participate.

I further commission you to submit to me as soon as possible a draft showing the organizational, factual, and financial measures already taken [organisatorischen, sachlichen, und materiel-

* Goering's decree of 24 January 1939 is reproduced earlier in this section as Document NG-2586-A, Prosecution Exhibit 1448.

len Vorausnahmen] for the execution of the intended final solution of the Jewish question [angestrebten Endloesung der Judenfrage].

Signed: GOERING

TRANSLATION OF DOCUMENT WEIZSAECKER 492-A WEIZSAECKER DEFENSE EXHIBIT 448*

NOTE OF 16 AUGUST 1941, CONCERNING VON RIBBENTROP'S DECISION THAT "ALL COMMUNICATIONS FROM THE REICH LEADER SS AND ALL AGENCIES OF SAME" BE FORWARDED FIRST TO DEPARTMENT GERMANY II

e. o. D II 4515

Note

According to the Service Regulations of the Foreign Office, the department D II of the Division Germany will have to deal with all matters which relate to the Reich Leader SS and to all offices of same.

Following a corresponding suggestion of Under State Secretary Luther, the Foreign Minister has decided that all communications from the Reich Leader SS and from *all agencies of same, including all letters addressed to the person of Reich Foreign Minister,* must first be forwarded to the department D II Raucherstrasse 27. Only matters of an urgent or personal nature will be excepted. Should the respective matter come within the field of another department of the Foreign Office, D II will see to it that the respective letter reaches this department.

The agencies of the Reich Leader SS primarily include the following:

The Chief of the Security Police and SD
The Chief of the Regular Police
The Secret State Police
The Personal Staff of the Reich Leader SS
The SS Main Office
The SS Main Office for Care and Welfare
The SS Main Office for Budget and Buildings of the Reich Leader SS
The Administrative and Economic Main Office of the Reich Leader SS
The SS Barrack
The Supply Office of the Waffen SS
The Waffen SS Headquarters

* This exhibit, as introduced in evidence by the defense, had two parts. The second part, a draft of a letter by Luther bearing the date 8 December 1942, and pertaining to the same general subject, is reproduced later in this section.

The SS Personnel Main Office.

The Reich Leader SS, Reich Commissioner for the Strengthening of German Folkdom.

The department D II requests that, in accordance with the directives of the Reich Foreign Minister, all letters received in the Foreign Office from the agencies of the Reich Leader SS will first be forwarded to the department D II.

1. To be forwarded to the Main Office via Herr MED.
Berlin, 16 August 1941

[Signed] PICOT

2. To be submitted also to the Office of the Reich Foreign Minister.

[Illegible notes and initials]

TRANSLATION OF DOCUMENT WEIZSAECKER 488
WEIZSAECKER DEFENSE EXHIBIT 445

THREE MEMORANDUMS EXCHANGED BY DEFENDANT VON WEIZSAECKER AND LUTHER, 15 SEPTEMBER TO 22 SEPTEMBER 1941, CONCERNING FOREIGN OFFICE PARTICIPATION IN THE REGULATION CONCERNING THE WEARING OF DISTINCTIVE INSIGNIA BY JEWS

1. Memorandum of defendant von Weizsaecker to Luther, 15 September 1941

Berlin, 15 September 1941

I have been asked whether the police regulation concerning the wearing of distinctive insignia by Jews (Reich Law Gazette No. 100, p. 547)* was issued in conjunction with the Foreign Office. I have replied that I do not know anything of the Foreign Office having been consulted.

Herewith to—

Germany Division with request to ascertain whether the office

* Reference is made to the "Police regulation concerning markings for Jews," 1941 Reichsgesetzblatt, Part I, page 747, dated 1 September 1941, and signed by Heydrich on behalf of the Reich Minister of the Interior. The first three of the six sections of this regulation provided: "1. (1) Jews (in the meaning of paragraph 5 of the First Decree to the Reich Citizenship Law of 14 November 1935, Reichsgesetzblatt I, p. 1333) who have completed their sixth year of age are forbidden to appear in public without a Jewish Star. (2) The Jewish Star consists of a black-bordered six-cornered star of yellow fabric, the size of the palm of a hand, with the black inscription 'Jew.' It shall be worn visibly, and firmly sewn, on the left breast side of the apparel. 2. Jews are forbidden (*a*) to leave the area of the community where they reside, without carrying with them a written permission from the local police authority; (*b*) to wear decorations and other insignia. 3. Sections 1 and 2 do not apply (*a*) to a Jew living in a mixed marriage provided there exist offspring from such marriage and that such offspring are not deemed to be Jews, even if the marriage does not exist anymore or if the only son has died in the present war; (*b*) to the Jewish wife in a childless mixed marriage for the duration of such marriage."

was actually concerned with this matter without previous report having been made to me.

Signed: WEIZSAECKER

Copy to:

Under Secretary—Political Division
Legal Division [Initial] W [WOERMANN]

2. Memorandum from Luther to defendant von Weizsaecker, 19 September 1941, with handwritten notes by Weizsaecker requesting further information

to D III 367 g

Under State Secretary Luther

Memorandum

[Handwritten] D III Party Member Rademacher

The question of introducing distinctive insignia for the Jews in Germany was submitted to the Fuehrer by the Reich Minister Goebbels on or about 20 August 1941. The Fuehrer has decided that the Jews in Germany are to be marked.

SS Major General Heydrich has informed this office verbally. The Reich Foreign Minister *was informed.* A conference of the representatives of the various Ministries, concerning these matters took place on 29 August 1941 in the Reich Ministry of the Interior.

[Handwritten] D. Through whom? Before? [Initial] W [Weizsaecker] 20 September.

Herewith submitted to the State Secretary, Baron von Weizsaecker.

Berlin, 19 September 1941

[Signed] LUTHER

3. Memorandum from Luther to defendant von Weizsaecker, 22 September 1941, with handwritten note by von Weizsaecker requesting adherence to official channels in future, and other measures

ad D III 367 secret

Under Secretary Luther

SECRET

Memorandum

Through the memorandum of 22 August 1941, copy of which please find herewith, I informed the Reich Foreign Minister regarding the marking of the Jews in Germany. I submitted the memorandum immediately because speedy action was required in view of the fact that Dr. Goebbels has already mentioned the subject to the Fuehrer, so as to keep the Reich Foreign Minister

up to date, should the Fuehrer wish to discuss the matter with him.

The Reich Foreign Minister has made his decision as per copy attached herewith as enclosure 2. In the meantime, the Reich Ministry of the Interior has summoned a conference at short notice and issued the police regulation. As the decree was issued speedily, I again immediately informed the Reich Foreign Minister—having regard to his decision—through memorandum of 11 September 1941—copy of which is attached herewith.[1]

Herewith resubmitted to State Secretary von Weizsaecker.
Berlin, 22 September 1941

[Signed] LUTHER

[Handwritten note], D III. For information—Under Secretary Luther, 24 September.

In future please adhere to the official channels. In urgent cases simultaneous information is requested.

Please pass the relevant material on to Political, Legal and Press Divisions as well.

[Initial] W [Weizsaecker] 24 September

[Illegible handwriting]

TRANSLATION OF DOCUMENT KOERNER 147
KOERNER DEFENSE EXHIBIT 57

BASIC ORDER OF HITLER, 25 SEPTEMBER 1941, CONCERNING THE HANDLING AND SAFEGUARDING OF SECRETS[2]

25 September 1941

Basic Order

1. No one, no office, or no officer may learn of any matter that is to be kept secret, unless they must absolutely have knowledge of same for official reasons.

2. No office and no officer may learn more of any matter that is to be held secret than is absolutely necessary for the carrying out of their duties.

3. No office and no officer may learn earlier of a matter to be kept secret or of that part necessary for them unless this is absolutely necessary for the carrying out of their duties.

4. Thoughtless passing on of orders, the keeping secret of which is of decisive importance, according to any kind of general distribution key, is forbidden.

Signed: ADOLF HITLER

[1] The enclosures mentioned in this memorandum were not part of the document introduced in evidence.

[2] Introduced as Gestapo Exhibit 25 in the trial before the IMT, and as Document Schneider 182, Schneider Defense Exhibit 68, in the I.G. Farben case, Volumes VII and VIII, this series.

953402—52——12

TRANSLATION OF DOCUMENT NG–5095
PROSECUTION EXHIBIT 3599

TELETYPE FROM THE GERMAN EMBASSY IN PARIS AND DRAFT REPLY ORIGINATING WITH DEFENDANT VON WEIZSAECKER, OCTOBER 1941, CONCERNING THE ARREST IN FRANCE OF JEWS WHO ARE NOT NATIONALS OF FRANCE

I. Teletype from Schleier in Paris, 30 October 1941*

TELEGRAM

(Teletype, secret)

Paris, 30 October 1941, 1030 hours
Received 30 October 1941, 1100 hours

Urgent

No. 3382 of 30 October

Military Commander France has arrested a considerable number of Jews including foreign nationals, in the course of the big round-up on 20 August 1941 of French and foreign Jews involved in Communist and de Gaullist activities and in attempts against members of the Wehrmacht in the occupied zone of France. Foreign consuls in Paris have requested assistance of Embassy for the release of Jewish nationals of their respective countries. [The last sentence is underlined by hand.]

[Handwritten] Submit to me 31 October. [Initial] W [Weizsaecker]

Military Commander and Security Service take the view that the fact that arrested Jews are foreign nationals, can in no way influence the measures taken. Release of individual Jews would create precedents.

Also, the French law of 4 October 1940 creates a basis to put French and foreign Jews into the concentration camps. The French Government has already put more than 20,000 Jews into concentration camps in the unoccupied part of France due to this law. Jews of foreign countries had the opportunity of leaving the occupied zone as late as end of last year, if they wanted to escape anti-Jewish measures. All interventions by representatives of foreign countries have been unsuccessful.

Request basic directive as to what attitude should be taken by the Embassy.

[Handwritten] Competence? [Initial] F [Freytag]

SCHLEIER

* Another copy of this teletype, with other communications, was found among other captured Foreign Office files introduced in evidence as Document NG–3264, Prosecution Exhibit 1695.

In ten copies distributed to:

1. Pol I g
2. Reich Foreign Minister
3. State Secretary [defendant Weizsaecker]
4. Office of Foreign Minister
   Ambassador Ritter
   Chief Political Division [defendant Woermann]
   Chief Commercial Policy Division
   Chief Press Division
   Deputy Chief Political Division
   No. 5, 3

2. Draft Teletype from defendant von Weizsaecker to von Ribbentrop, with handwritten changes, stating that the arrests of foreign Jews generally gives rise to no objection, but that the arrest of Jews of American nationality creates a special problem

to Pol IX 7751/41 g

Carbon Copy
Berlin, October 1941
Referent: Senior Counsellor of Legation Freytag
[Initialed] E [Erdmannsdorf] 3 November
Dg.Pol
U.St.S.Pol [Woermann]
St.S [Weizsaecker]

[Handwritten] To the files State Secretary
[Illegible initial] 5 November.

[Handwritten on margin] *Urgent!* To Under State Secretary Pol. Div. on account of the alternations made in the draft by the State Secretary [Illegible] S [Siegfried] 3 November

Teletype

(Teletype, Secret) [G-Schreiben]

Through Office Reich Foreign Minister to *Special Train*
For the Reich Foreign Minister

Concerning telegram from Paris No. 3382 of 30 October, the following is stated:

[Handwritten note] H. [Illegible] Please alter our copy. F [Freytag] 4 November

1. With respect to the arrest [*Note.*—Changed to "arrests" in handwriting] of Jews of foreign nationality, the measures of the Military Commander France give rise to no objections.

2. The arrest of Jews of American nationality on the other hand create a more difficult [*Note.*—"More difficult" changed to "difficult" in handwriting] situation. It must be anticipated with

certainty that the North American Government as well as all Ibero-American States concerned, will take action on these arrests and will make them the subject of diplomatic interventions. The Ambassador of Chile has already Undertaken [*Note.*—the capitalization of the first letter of the verb is corrected in handwriting] steps following the arrest of two Jewish Chileans and suggested that they be released from arrest and expelled. The Mexican Chargé d'Affaires, a few days ago, lodged a protest on account of the arrest of a Mexican Jew. Embassy Paris [*Note.*—"has" inserted in handwriting] in telegram No. 3882 reported also that "foreign consuls in Paris" [*Note.*—"have" inserted in handwriting] requested assistance of the Embassy for the release of Jewish nationals of their respective countries. Embassy has been instructed to send a supplementary report giving the names of those countries.

3. In the meantime, following the steps taken by the Chilean Ambassador, Germany Division (D III) has got in touch with the Reich Security Main Office in order to procure the release of the Chilean Jews arrested in the occupied zone of France. The Reich Security Main Office has promised examination of the matter in concurrence with the Paris Bureaus of the Security Service [Sicherheitsdienst].

[The following sentence was stricken out by hand.]

4. The following has to be borne in mind for the evaluation of this matter.

[Handwritten] F. We would get the worst of it. It * * *.

[Numeral handwritten.]

4. In case we decline the release of Jewish nationals of American countries, we must anticipate reprisals by the governments concerned against Reich nationals. [*Note.*—The balance of this paragraph was stricken by hand. Originally the stricken part read: "In this respect we are at a considerable disadvantage (sitzen wir am kuerzeren Hebel) since the number of Reich Germans in America is many times in excess of the number of nationals of American countries in territory under our control. In addition we must expect strong propagandist reaction in the Jewish press, which would even further impair our already strained relations with several Ibero-American States. Any anticipated favorable results in domestic politics would therefore be strongly outweighed by the disadvantages likely to result in our foreign relations."]

It is therefore planned to instruct our Paris Embassy to make a request, stating all relevant political reasons, to the Military Commander France and the Chief of the Security Service (Sicherheitsdienst), to release the arrested Jews who possess an Amer-

ican nationality, as far as their arrest is not justified by any criminal act. In addition it might be worth considering whether all Jewish nationals of American countries should not be expelled from the occupied territories with a view to removing the causes of friction created hereby [*Note.*—"hereby" changed to "by their residence" in handwriting].

WEIZSAECKER

PARTIAL TRANSLATION OF DOCUMENT NO-2651 PROSECUTION EXHIBIT 1731

LETTER FROM THE CHIEF OF THE SECURITY POLICE AND SD TO VON RIBBENTROP, 30 OCTOBER 1941, TRANSMITTING THE FIRST FIVE REPORTS OF THE EINSATZGRUPPEN[1]

The Chief of the Security Police and the SD
IV A 1—B. Nr. 24 B/41 gRs.
Please indicate this file number and date in your reply.

Berlin, SW 11, 30 October 1941
Prinz Albrecht Strasse 8
Telephone: Local 12 00 40
Long Distance 12 64 21

[Stamp]

Top Secret

To the Reich Foreign Minister
Subject: Activity and Situation Reports
Enclosures: 5 Reports

By order of the Chief of the Security Police and the SD I am sending you herewith the Activity and Situation Reports completed so far, Nr. 1–5, of the Einsatzgruppen of the Security Police and the SD in the U.S.S.R. for your information.[2]

AS DEPUTY:

Signed: MUELLER

[Enclosure]
The Chief of the Security Police and the SD

Berlin, 31 July 1941

[1] A memorandum of 8 January 1942, transmitting to defendant von Weizsaecker these five Einsatzgruppen reports along with other related materials, was also a part of this document found in Foreign Office files. This memorandum is reproduced later in this section according to its chronological order.

[2] More extensive extracts from Einsatzgruppen reports are reproduced in the materials on the Einsatzgruppen case, Volume IV, this series. In the Ministries case, 10 of 11 different Einsatzgruppen reports were introduced in evidence with various exhibit numbers (Pros. Exhs. 1731–1736 and 1738–1741, Documents NO-2651–2656 and 2658–2662). These reports are dated between 31 July 1941 and 31 March 1942. In addition to the extracts reproduced in this document, extracts from Einsatzgruppen Report 6 are reproduced below as a part of Document NO-2656, Prosecution Exhibit 1736. Extracts from the testimony of defendants Lammers, Schwerin von Krosigk, and von Weizsaecker concerning the Einsatzgruppen are reproduced later in this section.

Activity and Situation Report of the Einsatzgruppen of the Security Police and the SD in the U.S.S.R. and the behavior of the Communists in the Reich and in the occupied territories

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A. General notes about the deployment of the Security Police and SD. Assignments of the Einsatzgruppen

The four Einsatzgruppen (A, B, C, and D), formed pursuant to an agreement between the Chief of the Security Police and the SD and the High Command of the Army* have, upon the outbreak of the war, moved into the U.S.S.R. attached to units of the German Army. The Einsatzkommandos under their command are at present on the march to their assigned areas with the advancing army units.

Cooperation with the Wehrmacht

The connection with the different army groups is being kept up by the Higher SS and Police Leader who is attached to the

* Evidence concerning this agreement between the Chief of the Security Police and SD and the High Command of the Army is reproduced in the materials on the High Command case (Vols. X and XI of this series). Reference is to the so-called Wagner-Heydrich Agreement. NOKW-2080.

Commander of the Army Group Rear Area and who received current reports on the measures of the Security Police within the operating theatre of the respective army group. According to the reports from the Einsatzgruppen, the cooperation with the Wehrmacht is excellent. The Einsatzgruppen take great pains that this state of affairs is being kept up through personal contact and by going about their work the correct way.

The connections with the GFP [Secret Field Police] and the Counterintelligence III units are loyally and fully handed over to the Einsatzgruppen, while on the other hand, everything of military importance is handed over to the Wehrmacht.

* * * * * * *

White Ruthenia

In White Ruthenia the towns of Bialystok, Grodno, Lida, Minsk, Nowogrodek, Slonim, Sluzk, and Vilna were occupied by Einsatzgruppe B and screened for Security Police purposes.

Same as in the Baltics, the entire local political leader-corps had fled before the advancing Wehrmacht and the Vorkommandos [advance units] of Einsatzgruppe B. Although the political material had either been destroyed or evacuated to the rear areas, it was possible to secure numerous documents in the Minsk Soviet Building, the only public building left intact. But here also, the NKWD material and the documents of the Communist Party had been burned.

Up to the present, the executive police actions in the White Ruthenian region were being carried out on the principle of striking effectively against the Jewish leadership circles without, however, disturbing more than absolutely necessary the economic situation in the interest of warfare. It was also taken into account that the spiritual dissociation of the White Ruthenian population from the Bolshevist system should not be impeded by police measures.

In retaliation for arson, plundering, and murder, a total of 8,000 persons were liquidated in the area of Einsatzgruppe B, a great number of whom belonged to the Jewish intelligentsia. White Ruthenians were only liquidated when unmistakably verified as Bolshevist officials or agents. Among the liquidated persons are Russians, Poles, and Asiatics (Kirghiz, Tatars, Tibetans, etc.,) who had evidently been resettled into White Ruthenia by the Bolshevist leaders for the purpose of undermining work and for carrying out executions. A Jewish Council was established in order to register the Jewry, and the formation of ghettos was initiated.

Near Minsk, the same as in Kowno, two of the old fortifications were transformed into Jewish concentration camps in order to facilitate the screening of the Jews.

As a distinguishing mark, yellow armlets were introduced for the Jews, and they were ordered to hand over their radio sets under threat of death.

Under the circumstances described, the seizure of the higher Bolshevist officials can follow only after a certain period of time and on the basis of a thorough intelligence network still to be established. It can be assumed that these officials are keeping in hiding in localities in other areas. From the start special attention therefore has been directed toward the setting up of an intelligence network.

So-called information stations were established to induce the non-Bolshevist population to take part in these search actions, and the people were publicly invited to disclose the hiding places of their former oppressors.

* * * * * * *

Ukraine

Similar circumstances prevailed in the Ukraine. Here also the main activity of Einsatzgruppe C was directed toward the liquidation of all Jews and Bolshevists responsible for the murderous terror in these parts.

* * * * * * *

Rumania

A similar situation is reported from the Bessarabian front. The lack of discipline in Rumanian units and the absence of a proper authority resulted in large-scale looting by the civilian population who had stayed behind, particularly the Rumanians, and everything that was not nailed down was stolen from the deserted dwellings.

The Rumanian police are working under the orders of the local German Einsatzkommando. * * *

There is no system in the way in which the Rumanians are dealing with the Jews. No objections could be raised against the numerous executions of Jews if the technical preparations and the execution itself were not totally inadequate. The Rumanians usually leave the executed persons where they have been shot without burying them. The Einsatzkommando has issued instructions to the Rumanian police to proceed somewhat more systematically in this direction. For disobedience to orders from the Security Police and as reprisal for attacks on German military personnel, the Jewish Council of Elders in Beltsy and other Jews, altogether 45, were liquidated.

* * * * * * *

PARTIAL TRANSLATION OF DOCUMENT NG–4905
PROSECUTION EXHIBIT 2452

CIRCULAR LETTER FROM THE OFFICE OF DEFENDANT SCHWERIN VON KROSIGK TO SENIOR FINANCE PRESIDENTS, 4 NOVEMBER 1941, CONCERNING CONFISCATION OF THE PROPERTY OF JEWS DEPORTED FROM GERMANY AND STATING THAT DEPORTATION WILL BE "TO A CITY IN THE EASTERN TERRITORIES"

(Reproduction)

The Reich Minister of Finance

Berlin W 8, 4 November 1941
Wilhelmplatz 1/2

0 5205—740 VI g

[Stamp] Secret [crossed out]

Express letter

Subject: Deportation of Jews.

1. *In general—Jews* who are not occupied in works important to the political economy will be *deported* [abgeschoben] within the next months to a city in the eastern territories. The *property* of the Jews to be deported will be *confiscated* [eingezogen] in favor of the German Reich. One hundred RM and 50 kg. of luggage are left to each Jew.

The deportation has already begun in the territories of the Senior Finance Presidents—Berlin, Hamburg, Weser-Ems in Bremen, Kassel, Koeln, [and] Duesseldorf.

Soon there will be deportation in the Chief Finance District.

[several lines left blank in the original.]

It can be assumed that four persons form a household.

2. *Execution of the deportation*—The deportation of the Jews is executed by the Secret State Police (Gestapo). The Gestapo also sees to the first safeguarding of the property.

The Jews whose deportation is imminent have to hand in lists of property according to prescribed form. The Gestapo offices seal the apartments and deposit the keys of the apartments with the apartment managers.

3. *Confiscation of the property—*

Legal basis for the confiscation are the following ordinances:

Law on confiscation of property hostile to people and state of 14 July 1933—(Reich Law Gazette I p. 479) in connection with the law on the confiscation of Communist property of 26 May 1933 (Reich Law Gazette I p. 293).

Decree on the confiscation of property hostile to people and State in the Land Austria of 18 November 1938 (Reich Law Gazette I, p. 1620).

Decree on the confiscation of property hostile to people and State in the Sudeten-German territories of 12 May 1939 (Reich Law Gazette I, p. 911).

Decree on confiscation of property in the Protectorate of Bohemia and Moravia of 4 October 1939 (Reich Law Gazette I, p. 1938).

Decree of the Fuehrer and Reich Chancellor on the utilization of confiscated property of enemies of the Reich of 29 May 1941 (Reich Law Gazette I, p. 303).

The direction for the Ostmark [Austria], the Sudetengau, and the Protectorate [Bohemia, Moravia] are contained in the enumeration because also property will be seized which is in this part of the Reich territory.

For claims against Jews whose property is confiscated in favor of the Reich, in the old Reich [Altreich] the Reich is liable with the goods and rights acquired through the confiscation (paragraph 39 of the law on the granting of compensations with the confiscation or the transfer of property of 9 December 1937, Reich Law Gazette I, p. 1333). The instructions for confiscation will be issued by the *Regierungspraesidenten*; in Berlin by the Secret State Police office, in Hamburg and Bremen by the Reich Governors. They will be forwarded to the Jews by bailiff before their deportation.

4. *Tasks of the Reich Finance Administration—a. In general.* The administration and utilization of the confiscated property of the Jews is my task. I transfer this task to the Senior Finance Presidents to fulfill it. The Senior Finance Presidents can, in this, make use of a finance office in places outside the seat of the Chief Finance Presidency. For the transfer of the property, I designated to the Gestapo the Senior Finance Presidents: for Osnabrueck, the Finance Office Osnabrueck; for Dortmund, the Finance Office Dortmund-South.

The next deportation of Jews *will begin* on *7* or *8 November 1941*. I ask to *inquire at once* about the *exact* date for the various cities at the locally competent Superior State Police Offices.

* * * * * * *

b. Organization of the Office [Dienststelle].—The *office* entrusted with the execution of the measures is to be *established at once.* For each case of confiscation, a separate file is to be made, which first of all is to contain the list of the assets, and the confiscation order. An *index card* for each deported Jew facilitates the work.

* * * * * * *

c. Treatment of movable property.—I request to examine, before furniture is utilized otherwise, what *objects can be used for the Reich Finance Administration.* Into consideration are to be taken for outfitting the *offices* (Offices of the Chiefs and Referenten office rooms) : writing desks, book-cases, armchairs, carpets, pictures, typewriters, and so on; for the outfit of *recreation homes* and *schools* of the Reich Finance Administration: bedrooms, beds, music instruments, and especially bed linen, table linen, towels, etc.

The objects which are not used for purposes of the Reich Finance Administration are to be *sold* in an appropriate way. Auctions within the apartments themselves are undesirable according to former experiences.

* * * * * * *

d. Treatment of objects of art.—Objects of art (paintings, plastics, etc.) which are not to be considered as inferior products, are not to be sold. They are to be stored in a suitable way and to be *reported* to the competent *Landesleiter* of the Reich Chamber of the Fine Arts. The Landesleiter will state within 1 month if there is an interest for these objects on the part of the museums. With regard to these objects special directions will be issued. The other objects of art can be sold.

* * * * * * *

e. Treatment of objects made of *precious metal, and stamp collections.*—Objects made of precious metal and stamp collections are to be sent to the Central Office at the Municipal Pawn Office, Berlin, Berlin W 8, Jaegerstrasse 64. This office will deliver the proceeds to the delivering office.

f. Securities.—Securities are to be delivered to the Reich Main Cash Office in Berlin.

g. Claims.—Bank credits and other claims are to be confiscated.

h. Treatment of immovable property.—Estates are first to be taken into your administration. The realization of the estates which are not used for the purposes of the Reich Finance Administration (office rooms, housing welfare for civil servants) will be regulated by special decree.

* * * * * * *

6. *Cases of doubt, and reports on experience gained.*—I request to report on *cases of doubt at once* to Ministerial Councillor Dr. Maedel. As code word for the deportation of the Jews the designation "Action three" is to be used in trunk-calls.

It is to be expected that further deportations of Jews will follow. I therefore request to *report* to me at any given time after an action is completed *as soon as possible* on the *experiences* made on this occasion and the difficulties which may have arisen and to add any suggestions for changes in the procedure. I reserve to myself to order fixed dates for reports but I ask not to wait for them.

BY ORDER:

[Signed] SCHLUETER

[To] Senior Finance Presidents [Oberfinanzpraesidenten]

Berlin in Berlin	8 copies.
Hamburg in Hamburg	4 copies.
Weser Ems in Bremen	8 copies.
Koeln in Koeln	16 copies.
Duesseldorf in Duesseldorf	4 copies.
Kassel in Kassel	8 copies.
Hannover in Hannover	8 copies.
Westphalia in Muenster	8 copies.
Lower Silesia in Breslau	4 copies.
Munich in Munich	4 copies.
Nuernberg in Nuernberg	4 copies.
Wuerttemberg in Stuttgart	4 copies.
Danzig-West Prussia in Danzig	4 copies.
Nordmark in Kiel	4 copies.

PARTIAL TRANSLATION OF DOCUMENT NO–2656
PROSECUTION EXHIBIT 1736

LETTER FROM HEYDRICH TO VON RIBBENTROP, 25 NOVEMBER 1941, TRANSMITTING EINSATZGRUPPEN REPORT 6, TOGETHER WITH EXTRACTS FROM THIS REPORT

[Handwritten] Received 8 December
Berlin SW 11, 25 November 1941
Prinz-Albrecht-Strasse 8
Telephone: Local 12 00 40
Long distance: 12 64 21

Chief of Security Police and Security Service
IV A 1—B–No. 24 B/41 g.Rs.
When replying, kindly quote above reference number and date.

[Stamp]
Foreign Office
D II 211 g K (geheime Kommandosache)
Top Secret
Received: 9 December 1941
Enclosure received in double issue

[Stamp]
Top Secret

To the Minister for Foreign Affairs, v. Ribbentrop
Berlin W 8
Wilhelmstr. 74/76

Dear Sir,

I herewith enclose for your information the Activity and Situation Report No. 6 of the Einsatzgruppen of the Security Police and Security Service (SD) in U.S.S.R.

Heil Hitler!
[Signed] HEYDRICH
SS Lieutenant General

278

10
[Enclosure]

[Stamp] Top Secret
100 copies—34th copy

[Handwritten] DII 211 gKs (geheime Kommandosache—

Top Secret)

Activity and Situation Report No. 6 of the Einsatzgruppen of the Security Police and the Security Service (SD) in U.S.S.R.

(Period of Report, 1–31 October 1941)

* * * * * * *

I. Locations

The location of the Einsatzgruppen of the Security Police and the Security Service changed only in the northern section during the period of this report.

Present location.

Einsatzgruppe A—since 7 October 1941 at Krasnogvardeisk

Einsatzgruppe B—remaining at Smolensk

Einsatzgruppe C—since 27 September 1941 at Kiev

Einsatzgruppe D—since 27 September 1941 at Nikolaev

The Einsatzkommandos and special Kommandos subordinate to the Einsatzgruppen will remain with advancing army detachments on their march to the territorial sectors assigned to them.

II. Executory Measures

A. Ostland (Baltic States).

* * * * * * *

c. Jews. In *1940* about *4,500 Jews* lived in Estonia, almost exclusively in Reval, Dorpat, Narwa, and Pernau. There were only very few Jews living in country districts. *After the occupation of the Ostland by the German forces there were still about 2,000 Jews in the country.* Most of them had left the country with the Soviet authorities and the Red Army, moving eastward.

Spontaneous anti-Jewish demonstrations with ensuing pogroms by the population against the remaining Jews *were not registered,* because adequate enlightenment was lacking.

However, the Estonian Citizens Guard, which was formed when the Wehrmacht entered the country, began at once its extensive activity *with the arrest of all Jews.* This action was directed by the Einsatzgruppe of the Security Police and the Security Service.

As accomplished measures are to be listed:

1. Arrest of all male Jews over 16 years;

2. Arrest of all Jewesses, capable of work, aged 16–60, years, living at Reval and neighborhood; they were employed as peat-cutters.

3. Mass billeting in Dorpat Synagogue of all Jewesses living at Dorpat and neighborhood.

4. Arrest of all able-bodied Jews and Jewesses in Pernau and neighborhood.

5. Rounding-up of all Jews according to age, sex, and working-capacity for the purpose of housing them in a camp already under preparation.

All male Jews above 16 years of age were killed, with the exception of doctors and Jewish elders. This procedure is partly still in progress. And the conclusion of the operation there will be only 500 Jewesses and children left in the Ostland.

B. White Ruthenia.

* * * * * * *

c. Jews. As before it has to be noted that the *population refrains from taking any steps of self-defense against the Jews.* The population, it is true, unanimously reports on being exposed to Jewish acts of terror during the time of the Soviet regime or complains of new transgressions by Jews, without, however being prepared to start any pogroms.

All the more severely the Einsatzgruppen of the Security Police and Security Service proceed against the Jews who make intervention in various spheres necessary.

At Gorodnya 165 Jewish terrorists and at Tschernigow 19 Jewish Communists were liquidated. Another 8 Jewish Communists were shot at Beresna.

There has been frequent evidence of *Jewish women displaying a particularly disobedient attitude.* For this reason, 28 Jewesses had to be shot at Krugloje and *337 at Mogilew.*

At Borisow 321 Jewish saboteurs and 118 Jewish looters were shot.

At Bobruisk 380 Jews were shot who, until the last, *carried on a hate campaign and spread atrocity tales* against the German occupying forces.

At Tatarsak the Jews on their own authority had left the ghetto, returned to their old quarters, trying to drive out the Russians who in the meantime had been housed there. All male Jews as well as three Jewesses, were shot.

When a ghetto was set up at Sadrudubs, *the Jews partly resisted,* so that 272 Jews and Jewesses had to be shot. Among them was a political commissioner.

Mogilew.—At Mogilew, too, the Jews tried to prevent their removal to a ghetto—113 Jews were liquidated.

Besides, four Jews were shot because *they refused to work,* and two Jews were shot because they had ill-treated wounded

German soldiers and because they did not wear the prescribed identification badge.

At Talka, 222 Jews were shot for carrying on anti-German propaganda, and 996 Jews were shot at Marina Gorka because they sabotaged the orders issued by the German occupation authorities.

A further 627 Jews were shot near Schklow because they participated in acts of sabotage.

Witobsk.—As *threat of epidemics* became most imminent, the *liquidation of the Jews housed in the ghetto of Witobsk was started. This concerns about 3,000 Jews.*

* * * * * * *

C. Ukraine.

* * * * * * *

c. Jews. The animosity of the Ukrainian population against the Jews is excessive, the latter *being blamed for the explosions at Kiev.* One also sees in them the informers and agents of the NKWD who brought terror on the Ukrainian people. As *a measure of retribution for the arson at Kiev,* all Jews were arrested and on 29 and 30 September *altogether 33,771 Jews shot.* Money, valuables, and clothes were secured and placed at the disposal of the NSV [National Socialist Peoples' Welfare] for the equipment of racial Germans and partly given to the provisional local administration for distribution among the needy population.

Zhitomir.—At Zhitomir 3,145 Jews had to be shot as information had been received that they had to be considered as agents for Bolshevist propaganda and sabotage.

Kherson.—As expiatory measure for acts of sabotage *410 Jews were killed at Kherson.*

The solution of the Jewish problem [die Loesung der Judenfrage] *was taken up energetically* by the Einsatzgruppen of the Security Police and the Security Service *especially in the district east of the Dnepr.* The districts recently occupied by the Kommandos were cleared of all Jews. At this occasion, *4,891 Jews were liquidated.* In other localities Jews were *identified and registered.* In this way it became possible to put at the disposal of the Wehrmacht agencies *Jewish labor units up to 1,000 strong* for emergency work.

* * * * * * *

PARTIAL TRANSLATION OF DOCUMENT NG-2499
PROSECUTION EXHIBIT 1536

EXTRACTS FROM THE 11TH DECREE ON THE REICH CITIZENSHIP LAW, 25 NOVEMBER 1941, AND ORDINANCE OF 3 DECEMBER 1941, ISSUED BY DEFENDANT STUCKART IN AGREEMENT WITH DEFENDANT LAMMERS, EXTENDING THE APPLICATION OF PARTS OF THE 11TH DECREE TO TERRITORIES OCCUPIED OR ADMINISTERED BY GERMANY

1941 REICHSGESETZBLATT, PART I, PAGE 722

Eleventh Decree of the Reich Citizenship Law, 25 November 1941

Under section 3 of the Reich Citizenship Law of 15 September 1935 (Reichsgesetzblatt, I, p. 1146), the following is decreed:

Section 1

A Jew who has his ordinary residence abroad cannot be a member of the German State [Staatsangehoeriger]. Ordinary residence abroad is presumed when a Jew lives abroad under circumstances which indicate that his stay is not merely a temporary one.

Section 2

A Jew loses his status as a member of the German State—

a. On the day this decree goes into effect, if on that day he has his ordinary residence abroad.

b. At the time he takes up residence in a foreign country, if he takes up ordinary residence abroad later.

Section 3

(1) The assets of the Jew who loses his German nationality by virtue of this decree are expropriated by the Reich when the loss of nationality occurs. Furthermore, the Reich expropriates the assets of those Jews who, at the day this decree comes into force, are stateless but who have last possessed German nationality, if and when they take or have taken their ordinary residence abroad.

(2) Assets thus expropriated shall serve to further all purposes connected with the solution of the Jewish question.

Section 4

(1) Persons whose assets, according to section 3, are expropriated by the Reich must not acquire anything from a German national by reason of death.

(2) Gifts from German nationals to persons whose assets, according to section 3, are expropriated by the Reich, are forbidden.

953402—52——13

He who makes or promises such a gift in violation of this prohibition will be punished by imprisonment up to 2 years and a fine, or by one of these penalties.

* * * * * * *

Section 8

(1) Whether the legal basis for expropriation of assets exists shall be determined by the Chief of the Security Police and the SD (Sicherheitsdienst des Reichsfuehrer SS).

(2) The Senior Finance President of Berlin shall have the duty of administering and liquidating the expropriated assets.*

* * * * * * *

Section 11

In order to avoid hardships caused by the expropriation of property, the Reich Minister of Finance may settle questions arising from the enforcement of sections 3–7 (and sec. 9). This applies also to cases where the assets have been, or in the future will be, declared forfeited on the basis of section 2 regarding the repeal of naturalizations and the revocation of German citizenship of 14 July 1933 (RGBI. I. p. 480).

Section 12

This decree applies also to the Protectorate of Bohemia and Moravia and the annexed Eastern Territories.

Section 13

Regulations necessary for the amendment and execution of this decree will be issued by the Reich Minister of the Interior, in agreement with the Chief of the Party Chancellery and other Reich Ministers concerned.

Berlin, 25 November 1941

Reich Minister of the Interior
FRICK
Chief of the Party Chancellery
M. BORMANN
The Reich Minister of Finance
As Deputy: REINHARDT
The Reich Minister of Justice
Acting: DR. SCHLEGELBERGER

---

* This provision was changed by the directives from the office of defendant Schwerin von Krosigk, dated 27 February 1942 (Doc. NG–4903, Pros. Ex. 2482, reproduced later in this section).

Confidential Ordinance, 3 December 1941, concerning execution of the 11th Decree to the Reich Citizenship Law

17512 B–6 December 1941—

[Initial] F.

[Stamp] Reich Chancellery

The Reich Minister of
the Interior

I e 5545/41–5013

Kindly mention the above file no. and subject in your reply

[Illegible initials]

Berlin, 3 December 1941

NW 7 Unter den Linden 72

Phone: Local 120034
Long distance: 120037

Teletype: Local 317
Long distance: K 1617

Telegraph address:
Reich Ministry
of the Interior

[Stamp] Confidential

To:

a. Supreme Reich Authorities
b. Reich Governors of the Reich Gaue (State Governments)
c. Reich Protector for Bohemia and Moravia
d. Governor General
e. Reich Commissioner for Strengthening of Germanism
f. Oberpraesidenten
g. Regierungspraesidenten
h. Police President of Berlin
i. City President of the Reich Capital Berlin
k. Repatriation Office for Ethnic Germans
l. Main Trustee Office East

[To] *b, g,* and *i* with additional copies for the Police Presidents, Police Directorates, Landraete, and Lord Mayors.

Subject: Ordinance for the execution of the 11th decree to the Reich Citizenship Law.

Pursuant to Article 13 of the 11th decree to the Reich Citizenship Law of 26 November 1941, Reich Law Gazette I, page 722, I order in agreement with the Chief of the Part Chancellery the following:

(1) The loss of citizenship and the forfeiture of property refers also to such Jews coming under this decree who have their permanent place of residence, or who will reside later on, in territories occupied by German troops or such territories which are under German administration, especially also in the Government General or in the Reich Commissariats Ostland and Ukraine.

(2) The publication of this ordinance shall be avoided. Sofar as authorities subordinated to the Supreme Authorities have to be informed of this ordinance, I request to effectuate it in a confidential manner.

As deputy

[Initial] L [LAMMERS]

[Signed] W. STUCKART

[Handwritten] For the information of the Reich Minister.

[Initial] F, 6 December

[Stamp] K

[Handwritten] JPD JPD 1830

PARTIAL TRANSLATION OF DOCUMENT 709-PS
PROSECUTION EXHIBIT 2506

TWO LETTERS FROM HEYDRICH TO HOFMANN, CHIEF OF RACE AND RESETTLEMENT MAIN OFFICE, 29 NOVEMBER 1941 AND 8 JANUARY 1942, CONCERNING A FORTHCOMING CONFERENCE AT WANNSEE TO DISCUSS THE "FINAL SOLUTION" OF THE JEWISH QUESTION IN EUROPE AND NOTING THAT OFFICIALS INVITED INCLUDE DEFENDANT STUCKART, LUTHER OF FOREIGN OFFICE, AND KRITZINGER OF THE REICH CHANCELLERY

I. Letter of 29 November 1941

Berlin SW 11 29 Nov 1941
Prinz Albrecht Str. 8
Telephone: Local 120040
Long Distance 126421

Personal

Chief of the Security Police and the Security Service (SD)
IVB 4-3076/41 Secret (1180)
Request to mention in answer above marking and date
[Handwritten] To the Files [Initial] H 24 January.

(Confidential)

To SS Gruppenfuehrer Hofmann*
Race and Settlement Main Office,
Berlin

* Otto Hofmann, at this time Chief of the SS Race and Settlement Main Office, was a defendant in the RuSHA case, Volumes IV and V, this series.

Dear Hofmann:

On the 31 July 1941 the Reich Marshal of the Greater German Reich commissioned me to make all necessary preparations in organizational, factual, and material respect for the total solution [Gesamtloesung] of the Jewish question in Europe with the participation of all interested central agencies and to present to him a master plan as soon as possible. A photostatic copy of this commission is included in this letter.[1] Considering the extraordinary importance which has to be conceded to these questions and in the interest of the achievement of the same viewpoint by the central agencies concerned with the remaining work connected with this final solution [Endloesung], I suggest to make these problems the subject of a combined conversation, especially since Jews are being evacuated in continuous transports from the Reich territory, including the Protectorate Bohemia and Moravia, to the East ever since 15 October 1941.

I therefore invite you to such a conference, followed by luncheon on 9 December 1941, 1200 hours, at the office of the International Criminal Police Commission, Berlin, Am Grossen [handwritten] Kleinen [crossed out] Wannsee No. 16 [crossed out] 56/58 [handwritten].

[Handwritten in margin] According to conversation with SS Major Guenther on 4 December 1941 street was changed.

I have sent similar letters to Governor General Dr. Frank,[2] Gauleiter Dr. Meyer, State Secretaries Stuckart, Dr. Schlegelberger,[3] Gutterer, and Neumann, as well as to Reichsamtsleiter Dr. Leibrandt, Under State Secretary Luther, SS Major General Greifelt,[4] SS Senior Colonel Klopfer, and Ministerial Director Kritzinger.

Heil Hitler!

Yours,

[Signed] HEYDRICH

[1] Goering's letter of 31 July 1941, commissioning Heydrich with this task, is reproduced earlier in this section as Document NG-2586-E, Prosecution Exhibit 1448.

[2] Hans Frank, Governor General of the Government General in Poland, was a defendant in the IMT trial.

[3] Franz Schlegelberger, at this time Acting Reich Minister of Justice, was a defendant in the Justice case, Volume III, this series.

[4] Ulrich Greifelt, Chief of the Main Staff Office of the Reich Commissioner for the Strengthening of Germanism, was a defendant in the RuSHA case, Volumes IV and V, this series.

2. Letter of 8 January 1942, postponing the date of the Wannsee Conference to 20 January 1942

Chief of the Security Police and the Security Service (SD)

Prague, 8 January 1942

C.d.S B. No. 18/42 [Initial] H 13 January

[Handwritten] Submit on 19 January

To SS Major General Hofmann

Race and Settlement Main Office,

Berlin

Hedemannstr.

Dear Hofmann!

Unfortunately, at the last minute, I had to call off the conference, scheduled for 9 December 1941, about the questions of final solution of the Jewish problem because of events which suddenly became known and of the engrossment with them of some of the invited gentlemen.

Since the questions needing settlement do not allow further postponement, I therefore again invite you to a conference followed by luncheon on 20 January 1942 at 1200 hours, Berlin, Am Grossen Wannsee 56–58.

The group of invited gentlemen, mentioned in my last letter of invitation, remains unchanged.

Heil Hitler!

Yours, [Signed] HEYDRICH

TRANSLATION OF DOCUMENT NG–4667
PROSECUTION EXHIBIT 1449

THREE MEMORANDUMS FROM THE FILES OF THE FOREIGN OFFICE, 1 TO 8 DECEMBER 1941, CONCERNING A PROPOSAL FOR THE UNIFORM TREATMENT OF ALL JEWS OF EUROPEAN NATIONALITY

1. Memorandum from Siegfried to Luther, 1 December 1941, concerning preparation of a memorandum on desires advanced by the Bulgarian Foreign Minister Popoff

[Stamp] Office of the State Secretary

[Handwritten] "Very urgent!"

[Stamp] Foreign Office D III 660g
Received: 4 December 1941
Reply:_____copies

Berlin, 1 December 1941

In reference to the memorandum State Secretary No. 791 of 30 November, Ambassador von Rintelen informed me that the Reich Foreign Minister requests a memorandum on paragraph (5) of the desires which the Bulgarian Foreign Minister [Popoff] has advanced.

Herewith respectfully submitted to Under State Secretary Luther.

[Signed] SIEGFRIED

[Handwritten marginal note] Party member Rademacher as per telephone call. [Illegible initial] 3 December.

2. Memorandum from Luther to von Ribbentrop, submitted through defendant von Weizsaecker, 4 December 1941, concerning Popoff's recommendation for a uniform treatment of European Jews

[Stamp] Secret

Under State Secretary Luther — File D III 660 g

Memorandum

Department Germany welcomes the suggestion of the Bulgarian Foreign Minister Popoff to have all European countries treat the Jews of European nationality in conformity.

Inasmuch as according to the 11th decree of the Reich Citizen Law all Jews of German nationality who reside abroad are deprived of their citizenship, by law these Jews are stateless and fall, as a matter of course, under the legislation for Jews effective in the individual countries.

In Germany Jews of foreign nationality were on principle treated like Jews of German nationality with the exception of legal financial matter whereby reprisal measures abroad were to be avoided.

Jews of enemy nationality are treated in accordance with regulations covering enemies.

Special consideration was generally only granted Jews of American citizenship because these States have the possibility of taking reprisals against Reich Germans and therefore hold an advantage over us.

[Handwritten note] Immediately to Dir. Legal Division. [Initial] W [Weizsaecker].

Through the State Secretary von Weizsaecker [illegible initial] to be submitted to the Reich Foreign Minister.

[Handwritten] German-Bulgarian Commerce and Shipping Treaty of 24 June 1932.

Of the European states only Hungary, Italy, and Spain have raised objections in the recent past. Even in a common European settlement these states can be expected to resist. This is due to the influence of Jewry and Catholic opinion.

The opportunity rendered by this war must be utilized to finally eliminate the Jewish question in Europe. The most practical preparation for this would be to make all European states introduce the German legislation on Jews and to agree that all Jews regardless of their nationality are subject to the measures taken by the country of residence, while Jewish property should be put at the disposal of the final solution [waehrend das Vermoegen der Juden fuer die Endloesung zur Verfuegung gestellt werden sollte]. A halfway consistent enactment of the German laws on Jews in European countries would break the back of all elements still hostile to Germany, particularly in Hungary.

Whether the foreign political situation, in view of the inner resistance of Hungary, Italy, and Spain, is already ripe for such a solution cannot be judged alone from the viewpoint of Department Germany. It is therefore suggested to reach an agreement among the European powers allied by the Anti-Comintern Pact to the effect that Jews of the nationality of these countries are to fall under the Jewish measures of the country of residence.

The Jews of Norwegian, Polish, Luxembourg, Greek, Serbian, and Soviet Russian nationality, inclusive of the former Baltic States, will automatically fall under this settlement.

Herewith, through State Secretary von Weizsaecker, submitted to *the Reich Foreign Minister* with the request for instructions.

Berlin, 4 December 1941

[Signed] LUTHER

[Initials] KL [Klingenfuss] 4 December

3. Memorandum from Rademacher to Luther, 8 December 1941, transmitting draft of memorandum for von Ribbentrop and noting that defendant von Weizsaecker "considers this matter as very urgent"

[Handwritten] (1) Meeting did not take place. (2) Submit in two weeks.

[Initial] R [Rademacher] 9 December

Ref.: Legation Councillor Rademacher

File D III 660 g
[Stamp] 23 December 1941
Resubmitted on:

The enclosed draft* for a memorandum for the Reich Foreign Minister is resubmitted to Under State Secretary Luther.

Inasmuch as the State Secretary considers this matter as very urgent and has twice already asked about it in the conference of directors it will have to be submitted now.

The file was attached by section D III; why and when they were detached on their way to you I was not able to determine.
Berlin, 8 December 1941

[Signed] RADEMACHER

[The following is in purple pencil across all the document in Luther's handwriting:]

"Report sent off together with previous correspondence on 9 December. Marx. *Immediate* [illegible] Party member Rademacher: Please inform the State Secretary at once and tell him that a meeting is taking place today concerning the matter handed to him in [illegible]'s office."

[Signed] LUTHER 9 December

* The draft mentioned was not a part of the exhibit introduced in evidence.

TRANSLATION OF DOCUMENT NG–2586–F
PROSECUTION EXHIBIT 1450

MEMORANDUM ENTITLED "DESIRES AND IDEAS OF THE FOREIGN OFFICE IN CONNECTION WITH THE INTENDED TOTAL SOLUTION OF THE JEWISH QUESTION IN EUROPE," PREPARED BY REFERAT D III OF THE DEPARTMENT GERMANY, AND SUBMITTED TO LUTHER ON 8 DECEMBER 1941 IN PREPARATION FOR THE WANNSEE CONFERENCE

Referat D III Secret

[Stamp] Secret

[Handwritten] to D III, 709g

The enclosed memorandum is submitted to Under State Secretary Luther as preparation [als Vorbereitung] for tomorrow's conference with SS Lieutenant General Heydrich.

Berlin, 8 December 1941[1]

[Handwritten]

1. For the time being postponed
2. After one month

[Initial] R [Rademacher] 22 December

DESIRES AND IDEAS OF THE FOREIGN OFFICE IN CONNECTION WITH THE INTENDED TOTAL SOLUTION OF THE JEWISH QUESTION IN EUROPE

1. Deportation to the East of all Jews residing in the German Reich, inclusive of those who live in Croatia, Slovakia, and Rumania.

2. Deportation of all Jews living in the territories occupied by us who were formerly German citizens but lost their citizenship and are now stateless in accordance with the latest supplementary decree to the Reich Citizenship Law.[2]

3. Deportation of all Serbian Jews.

4. Deportation of the Jews handed over to us by the Hungarian Government.

5. To declare our readiness to the Rumanian, Slovakian, Croatian, Bulgarian, and Hungarian Governments, to deport to the East the Jews living in these countries.

6. To influence the Bulgarian and Hungarian Governments to issue laws concerning Jews similar to the Nuernberg Laws.

[1] The Wannsee Conference was originally scheduled for 9 December 1941. (See Doc. 709–PS Pros. Ex. 2506, reproduced above in this section.)

[2] Reference is made to the 11th decree to the Reich Citizenship Law 25 November 1941, reproduced earlier in this section as Document NG–2499, Prosecution Exhibit 1536.

7. To exert influence on the rest of the European governments to issue laws concerning Jews.

8. Execution of these measures as hitherto in friendly cooperation with the Gestapo.

PARTIAL TRANSLATION OF DOCUMENT NO–2657
PROSECUTION EXHIBIT 1737

FOREIGN OFFICE MEMORANDUMS AND NOTES CONCERNING EINSATZGRUPPEN REPORTS, 8 TO 23 DECEMBER 1941, WITH LUTHER'S BASIC MEMORANDUM OF 10 DECEMBER 1941, FOR SUBMISSION TO VON RIBBENTROP THROUGH DEFENDANT VON WEIZSAECKER

1. Memorandum from the office of von Ribbentrop, 8 December 1941, requesting the preparation of a short memorandum concerning the Einsatzgruppen reports

[Handwritten] To D II 211 G Rs

Office of the Reich Foreign Minister

First respectfully submitted to Department Germany II

[Illegible initial]

The Office of the Reich Foreign Minister intends to submit the Activity and Situation Reports of Security Service in Russia to the Reich Foreign Minister and requests that a corresponding short memorandum be prepared.

Berlin, 8 December 1941

DR. BRUNS
[Illegible initial]

2. Extracts from Luther's memorandum of 10 December 1941, reporting upon Heydrich's letter of 25 November 1941, and Einsatzgruppen Report 6*

[Stamp] Top Secret

D II 211 g. Rs.

–Sr–

Berlin, 10 December 1941

Memorandum

SS Lieutenant General Heydrich submits, with his enclosed letter of 25 November of this month to the Reich Foreign Minister, the Activity and Situation Report No. 6 of the Einsatzgruppen of the Security Police and the SD in the Soviet Union, which gives a survey of the period from 1–31 October this year.

* Document NO–2656, Prosecution Exhibit 1736, reproduced in part earlier in this section.

The Chief of the Security Police and the SD maintained the following four Einsatzgruppen in the occupied areas of the U.S.S.R.:

A.—in Krasnogvardeisk
B.—in Smolensk
C.—in Kiev
D.—in Nikolaev

[Handwritten note] Has been reported to the Reich Foreign Minister [illegible initial]

Subordinate to these Einsatzgruppen are "Einsatz- and Special-Kommandos," which advance together with the army. As far as the partisans and countermeasures against them are concerned, the situation has calmed in the area of Einsatzgruppe A (Ostland) and C and D (Ukraine). In White Ruthenia, on the other hand, partisan activity, which is now mainly engaged in acts of sabotage, has increased. Einsatzgruppe A succeeded in obtaining comprehensive knowledge of the political and military situation in Leningrad through Russian deserters, prisoner-of-war interrogations, as well as civilian informants * * *.

[Marginal note] To be submitted to the Reich Foreign Minister [illegible initial] via the State Secretary [initial] W [Weizsaecker]

* * * * * * *

[Stamp] Top Secret
[Distribution]
[Illegible handwriting]

To D II 211 Top Secret

1. To be submitted for information to—
   Under Secretary of State Political Division [initial] W [Woermann]
   Dirigent Political Division [initial] E [Erdmannsdorff]
   Section I Political Division [illegible initial]
   Section V Political Division [illegible initial]
   Economics Division [illegible initial]
   Division Deutschland Section III [illegible initial]
   Information Division [illegible initial] especially see p. 19 [illegible initial]
   Press Division
   Broadcasting Division [illegible initial]
2. To be resubmitted to Referat [initial] F

Berlin, 23 December 1941

[Signed] PAUSCH [Illegible initial]

[Handwritten note] Returned from Information Div. without changes through exchange [Illegible initial].

PARTIAL TRANSLATION OF DOCUMENT NG-3058
PROSECUTION EXHIBIT 2585

CORRESPONDENCE BETWEEN ROSENBERG, HITLER, DEFENDANT LAMMERS, AND KEITEL 18 DECEMBER 1941 TO 8 FEBRUARY 1942 CONCERNING THE CONFISCATION OF JEWISH PROPERTY IN THE OCCUPIED WEST AND UNDATED STATISTICAL REPORT ON THE RESULTS OF THE "FURNITURE ACTION"

1. Memorandum from Rosenberg to Hitler, 18 December 1941, proposing the confiscation of the household furnishings of Jews who have fled or will flee from all occupied western territories

File Memorandum for the Fuehrer

Subject: Jewish property in France.

Pursuant to the Fuehrer decree concerning requisition of Jewish cultural property, a great number of Jewish homes remained unguarded. As a result of this, many household articles have disappeared in the course of time, since supervision could not be carried out. Housing conditions were found to be terrible by the administration in the entire Eastern Territories and possibilities of procurement are so limited that at present no provisions can be made. I therefore request that the Fuehrer give permission for confiscation of all household furnishing of Jews in Paris who have fled or will flee, as well as in all occupied western territories in order to assist the administration in procuring household furnishings for the Eastern Territories.

[Handwritten] Nu 37.42 secret

2. PP.

Berlin, 18 December 1941

Certified true copy.

Berlin, 14 January 1942

[Signed] DR. MARQUART

SA Obersturmbannfuehrer

[Stamp]

Ministry for the Occupied Eastern Territories

2. Letter from defendant Lammers to Rosenberg, 31 December 1941, informing Rosenberg of Hitler's approval of Rosenberg's proposal and requesting further action

Copy

Reich Minister and Chief of the Reich Chancellery
RK 18483 B

Berlin W 8, 31 December 1941
At present:
Fuehrer Headquarters

[Handwritten] Submitted to Minister and Degenhart

To Mr. Rosenberg, Reich Minister for the Occupied Eastern Territories

Berlin W 35

Rauchstrasse 17/18

Subject: Utilization of Jewish household furnishings from occupied western territories.

Dear Mr. Rosenberg!

Your memorandum dated 18 December 1941 has been submitted to the Fuehrer. The Fuehrer in principle, agreed to the proposal as made under paragraph 1. Together with the letter enclosed in copy, a copy of that part of your memorandum which deals with utilization of Jewish household furnishings was forwarded by me to the Chief of the OKW and to the Reich Commissioner for the occupied territories of the Netherlands. May I ask you to contact the other interested offices for the execution of your proposal.

Heil Hitler!
Yours devotedly,
Signed: DR. LAMMERS
[Stamp]
Ministry for the Occupied
Eastern Territories

Certified copy
Berlin, 14 January 1942
[Signed] DR. MARQUART
SA Obersturmbannfuehrer

3. File note of Rosenberg's Ministry, entitled The "Furniture Action," undated, containing statistics on materials procured

Reich Minister for the Occupied Eastern Territories Office-West
The M-Action [Furniture Action][1]

Collection and removal of unclaimed Jewish household furnishings, initiated by the Office-West of the Reich Ministry for the Occupied Eastern Territories upon the order of the Fuehrer, enables us to *speedily* equip the offices in Occupied Eastern Territories with furnishings *without additionally burdening the German economy.*

To cover increasing demands in household goods, the greater part of the material found was made available to persons in the Reich, suffering from bomb damage, by DRK Oberfeldfuehrer von Behr, the Chief of Office-West.

On 31 October 1942 the Fuehrer agreed with the proposal of Reich Minister Alfred Rosenberg to give primary consideration to persons suffering from bomb damage in the Reich and ordered that, in the execution of the project, all assistance be given to Office-West and that transports are to be dispatched as Wehrmacht goods.

Up to now, by using free freight space, 144,809 cubic meters of household goods have been removed from occupied western territories; 1,255 railroad cars covered a rail distance of 1,069,028 km; 57 barges a distance of 24,210 km via inland water ways. The following effects were turned over to the Foreign Currency Protection Bureau: securities and foreign currency amounting to 63,843,640 French francs; countervalue for furs, 1,303,560 French francs. Food stuffs, wine stocks, and vehicles found were turned over to the military administration.

One hundred five complete household furnishings and 2,210 household objects of all kinds were turned over to military offices in Paris for sheltering purposes or for making such possible. Easing the German market by supplying rationed goods; especially bed linen, table linen, under garments, porcelain, kitchen utensils, cutlery, furnishing articles, household goods. Parts of the material were delivered to the following German cities: Oberhausen, Bottrop, Recklinghausen, Muenster, Duesseldorf, Cologne, Osnabrueck, Hamburg, Luebeck, Rostock, and Karlsruhe.[2]

[1] "M" is the abbreviation for "Moebel," furniture or household furnishings. Concerning this action, the IMT stated in its judgment concerning Rosenberg: "In 'Action-M' (Moebel), instituted in December 1941 at Rosenberg's suggestion, 69,619 Jewish homes were plundered in the West, 38,000 of them in Paris alone, and it took 26,984 railroad cars to transport the confiscated furnishings to Germany." See Trial of the Major War Criminals, *op. cit.*, volume I, page 295.

[2] Further material concerning the treatment of property of Jews in German occupied territory is reproduced later in section X, "Plunder and Spoliation."

4. Letter from defendant Lammers to Keitel, 31 December 1941, transmitting copy of Rosenberg's memorandum to Hitler of 18 December 1941, and advising Keitel of Hitler's approval of Rosenberg's proposal

Copy

Berlin, 31 December 1941
At present:
Fuehrer Headquarters

The Reich Minister and Chief of the Reich Chancellery
R.K. 18483 B

To: Chief of the OKW
General Field Marshal Keitel
At present Fuehrer Headquarters

Subject: Utilization of Jewish household furnishings from occupied western territories.

Dear Field Marshal:

The Reich Minister for the Occupied Eastern Territories submitted to the Fuehrer the enclosed memorandum concerning the utilization of household furnishings of Paris Jews and Jews elsewhere in the occupied western territories, who have fled or will flee for the purpose of supplying administration officials in the Occupied Eastern Territories with furnishings. The Fuehrer agreed in principle with the proposal. I have asked the Reich Minister for the Occupied Eastern Territories to contact you, the Reich Commissioner for the Occupied Territories in the Netherlands and the other interested parties for the execution of the proposal. I have forwarded a copy of this letter to the Reich Minister for the Occupied Eastern Territories and the Reich Commissioner for the Occupied Territories in the Netherlands has likewise been informed by me.

Heil Hitler!
Yours devotedly,
[Signed] DR. LAMMERS

[Stamp]
Ministry for the Occupied Eastern Territories

Certified copy.
Berlin, 14 January 1942
[Signed] DR. MARQUART
SA Obersturmbannfuehrer

TRANSLATION OF DOCUMENT NG-4669
PROSECUTION EXHIBIT 1451

MEMORANDUM FROM DEPUTY DIRECTOR OF FOREIGN OFFICE LEGAL DIVISION, ALBRECHT, 31 DECEMBER, 1941, INITIALLED BY DEFENDANT WOERMANN AND SUBMITTED TO DEFENDANT VON WEIZSAECKER, SUGGESTING METHODS OF LEGISLATION CONCERNING JEWS IN HUNGARY, SLOVAKIA, AND OTHER FRIENDLY COUNTRIES

Ref.: Legation Counsellor Dr. Conrad Roediger

File D III 660 g

Deputy Director Legal Division

The following observations from the viewpoint of international law are made on the memorandum by Division D on the possibilities of a treaty settlement on the treatment of Jews in the individual states of Europe:

1. The treatment of foreign citizens is usually regulated by trade and residence treaties between the country of residence and the country of origin. Inasmuch as none of these treaties differentiate between Jews and other citizens they are also valid for Jews. In order to remove the obligations on the part of the country of residence regarding the treatment of Jewish citizens of their treaty partner two possibilities appear evident.

a. The states which pursue a Jewish policy similar to that of the German Reich can agree by new *bilateral* treaties not to use the rights ensuing from the existing trade and residence treaties for the benefit of their Jewish citizens which are in contrast to legislation on Jews prevailing in the state of residence. The Legal Division has already pointed out this possibility in one case submitted for its comment in which the application of German legislation on Jews to Slovakian Jews residing in Germany was in question.

b. The states in question can also arrange by a *collective treaty* that their Jewish citizens in the territory of the other treaty partners are subject to their legislation on Jews without regard to existing trade and residence treaties. Such a treaty would, of course, only be effective between the partners of the treaty and would therefore not affect the rights of Jewish citizens of third countries. The suggestion of Division D, to propose such a collective treaty between the signatories of the Anti-Comintern Pact might meet with the obstacle emphasized by Division D itself, that Italy, Spain, and Hungary will probably not at this time agree to be tied down by such an approach to the Jewish ques-

952409—52——14

tion. The collective treaty would therefore for the time being be at least confined to the smaller circle of such states as can be expected to be agreeable to such a treaty. Slovakia, Rumania, Bulgaria, and possibly Croatia can be counted among those.

But even a collective treaty confined to these states would not be an easy matter to accomplish. The difficulties would arise primarily from economic considerations. The extent of the assets of Jewish citizens of the individual countries which are potential partners in the collective treaty deposited in the territory of other treaty partners are bound to be quite different. The potential partners of the projected collective treaty will therefore partly fear to suffer losses by denouncing protection of the assets of their Jewish citizens in other states which will not be balanced by the assets of Jewish nationals residing on their own territory. They might therefore insist on an economic adjustment of the movement of assets created by the application of the legislation on Jews on the part of the potential partner state of the collective treaty to Jewish citizens of other partner states in their territory. At least the states which are potential signatories to the collective treaty will want assurances that they will not have to accept on their territory their Jewish citizens living in another partner state without their property. These difficult economic questions can probably be solved better in bilateral treaties rather than in a collective treaty. Therefore the suggestion listed under *a* would be preferable, even though it would only lead to a step-by-step realization of the aim projected by Division D.

2. The Legal Division assumes that the international agreement suggested by Division D is to cover only the treatment of such Jewish citizens of potential partner states who do not reside in their home states. The assumption of *international obligation on the part of a state* in regard *to the treatment of a group of its citizens in its own territory* seems theoretically possible but *unusual* in international usage. To assume such an obligation would as a rule be considered as intervention in the national sovereignty. An international agreement between states persuading a policy similar to that of Germany regarding the treatment of their own Jewish citizens in their own territory can therefore hardly be considered.

3. In respect to the treatment of Jewish citizens of states at war with Germany it is observed that here—from the point of view of the other states under consideration—no members of an enemy state are involved. For instance Spain and Bulgaria are not at all at war, while Hungary and Rumania are merely at

war with the Soviet Union and England, and Slovakia is at war only with the Soviet Union.

So far as the States under consideration are at peace with home states of Jews residing in their territory, the rights of these Jews are still governed by the Trade and Residence Treaties prevailing between state of residence and state of domicile. A legal possibility for the dissolution of these treaty obligations can therefore only be effected with the consent of the home state, which can not be counted on in the case of states now engaged in hostilities with Germany.

So far as the states in question are themselves at war with the home states of the Jews residing in their territory the principles relevant to the treatment of enemy nationals are applicable, as was already pointed out by Division D.

Herewith together with enclosures [Handwritten] via Division [Illegible letter] submitted to the State Secretary.

[initial] W [Woermann]

Berlin, 31 December 1941

[Signed] ALBRECHT
[initial] R 11 December
[initial] ST 11 December

PARTIAL TRANSLATION OF DOCUMENT NO-2651
PROSECUTION EXHIBIT 1731

MEMORANDUM OF PICOT, 8 JANUARY 1942, INITIALED BY DEFENDANT VON WEIZSAECKER TRANSMITTING EINSATZGRUPPEN REPORTS 1 THROUGH 6, AND TWO SUMMARIES CONCERNING THE EINSATZGRUPPEN REPORTS PREPARED BY DEPARTMENT GERMANY OF THE FOREIGN OFFICE

[Stamp] Secret Reich Matter File with D II 211 g Rs./41
Ang. II.

Memorandum

In the enclosures the Activity and Situation Reports Nos. 1–6 of the Einsatzgruppen of the Chief of the Security Police and SD in the U.S.S.R. are submitted.* At the same time excerpts of the Situation and Activity Reports Nos. 1–5, prepared by Section D III, is attached (D III 66 g Rs./41). An indication of the

* Extracts from Einsatzgruppen Report 1, 31 July 1941, are reproduced earlier in this section as another part of this exhibit (Doc. NO-2651, Pros. Ex. 1731) together with the letter of the Security Police and SD of 30 October 1941 which transmitted the first five Einsatzgruppen reports to the Foreign Office. Extracts from the sixth Einsatzgruppen report, covering the period 1–31 October 1941, are reproduced earlier in this section as a part of Document NO-2656, Prosecution Exhibit 1736.

most important contents of Report No. 6 can be found in the attached memorandum D II 211 g. Rs./41 for the Reich Foreign Minister, dated 10 December 1940.[1]

[Initial] W [WOERMANN]
9 January

Herewith submitted to the Office of the State Secretary.

[Initial] W [WEIZSAECKER] 8 January

Berlin, 8 January 1942

[Signed] Picot

TRANSLATION OF DOCUMENT WEIZSAECKER 511[2]
WEIZSAECKER DEFENSE EXHIBIT 466

LETTER FROM THE ADMINISTRATIVE STAFF OF THE MILITARY COMMANDER IN FRANCE TO THE REPRESENTATIVE OF THE CHIEF OF THE SECURITY POLICE AND SD IN PARIS, 16 JANUARY 1942, CONCERNING DEPORTATION OF JEWS TO THE EAST AND REQUESTS OF THE FRENCH RED CROSS

Paris, 16 January 1942
Hotel Majestic, Ave. Kleber
Telephone: Kle 8800/09

The Military Commander in France
Administrative Staff
Administration, File No. V pol 250/882/41

To the Representative of the Chief of the Security Police and the SD
Paris Office
Paris

[Stamp] The Representative_____
Sec. Police and the SD_____
Received: 23 January 1942
Registry No. 1328
IV J [Initials] DAN.
[Initials] LSCH 16 January 1942

Subject: Deportation of Jewish-Bolshevist elements for compulsory labor in the East.

The French Red Cross has applied to this office for permission to care, within certain limits, for those Jews who are presently detained in the Compiegne police detention camp after having been committed there as a retaliation measure, and who are

[1] Reproduced earlier in this section as a part of Document NO-2657, Prosecution Exhibit 1787.
[2] This document was introduced in the IMT trial as Exhibit RF-1212.

destined to be deported to the East. The following requests have been submitted for consideration:

a. To permit the Commandant of the Compiegne camp the issuing of internment certificates to the detained Jews upon application for forwarding them to the families of the detained Jews, so that they can draw relief money from the French authorities.

b. Furthermore, to submit a list of all Jews detained in Compiegne to the French Red Cross, so that their families, who might inquire about them at the Red Cross, can be given proper information.

c. To make a statement as to what extent the detained Jews will be allowed contact with the outer world by mail or to what extent the detainees are permitted to receive mail. In this connection, the French Red Cross submits, in urgent cases, it would be permitted to forward, via the camp Commandant, information to the detainees from the next of kin.

Regarding a.—The camp Commandant has been asked to issue certificates of internment to the detained Jews if so desired and to forward all of them to the French Red Cross for further action.

Regarding b.—It has been ruled that lists of detained Jews are not to be communicated to the Red Cross, but that, however, it was left to the Red Cross to direct inquiries to the Commandant of the greater Paris area, as to whether certain individuals were being detained at the Compiegne police detention camp at the time of the inquiry.

Regarding c.—As to this point, a ruling will not be made for the time being. It has been arranged, however, that in urgent cases the French Red Cross should be permitted to forward to the Commandant of the greater Paris area, as a temporary expedient, brief communications from close relations of the detainees concerning their health, etc., and to have such news sent to the Compiegne camp.

All those concerned are herewith informed. We request comment regarding *c.*

[Stamp] For the Military Commander
The Chief of the Administrative Staff

BY ORDER

Signed: DR. ERNST

Certified.

Signed: SCHNEIDER, KVI

PARTIAL TRANSLATION OF DOCUMENT NG–2586–G
PROSECUTION EXHIBIT 1452

EXTRACTS FROM THE MINUTES OF THE WANNSEE CONFERENCE, 20 JANUARY 1942, WITH FIFTEEN PERSONS PARTICIPATING, INCLUDING DEFENDANT STUCKART, AT WHICH PLANS FOR "THE FINAL SOLUTION OF THE JEWISH QUESTION" WERE DISCUSSED

[Stamp] Top Secret

30 copies—16th copy

I. The following persons took part in the conference on the Final Solution of the Jewish problem held on 20 January 1942 in Berlin, Am Grossen Wannsee No. 56/58:

Gauleiter Dr. Meyer and Reichsamtsleiter Dr. Leibbrandt	Reich Ministry for the Occupied Eastern Territories
State Secretary Dr. Stuckart	Reich Ministry of the Interior
State Secretary Neumann	Plenipotentiary for the Four Year Plan
State Secretary Dr. Freisler	Reich Ministry of Justice
State Secretary Dr. Buehler	Office of the Governor General
Under State Secretary Luther	Foreign Office
SS Colonel Klopfer	Party Chancellery
Ministerial Director Kritzinger	Reich Chancellery

[Handwritten] D III 29 Top Secret

SS Major General Hofmann	Race and Settlement Main Office
SS Major General Mueller	Reich Security Main Office
SS Lieutenant Colonel Eichmann	
SS Senior Colonel Dr. Schoengarth, Commander of the Security Police and the SD in the Government General	Security Police and SD
SS Major Dr. Lange, Commander of the Security Police and the SD for the General	Security Police and SD

Districts Latvia, as representative of the Commander of the Security Police and the SD for the Reich Commissariat for the Ostland.

II. At the beginning of the meeting the Chief of the Security Police and the SD, SS Lieutenant General Heydrich, reported his appointment by the Reich Marshal to service as Commissioner for the Preparation of the Final Solution of the European Jewish Problem, and pointed out that the officials had been invited to this conference in order to clear up the fundamental problems. The Reich Marshal's request to have a draft submitted to him on the organizational, factual, and material requirements with respect to the Final Solution of the European Jewish Problem, [organisatorischen, sachlichen und materiellen Belange im Hinblick auf die Endloesung der europaeischen Judenfrage] necessitated this previous general consultation by all the central offices directly concerned, in order that there should be coordination in the policy [Parallelisierung der Linienfuehrung].

The primary responsibility [Federfuehrung] for the administrative handling of the Final Solution of the Jewish Problem will rest centrally with the Reich Leader SS and the Chief of the German Police (Chief of the Security Police and the SD)—regardless of geographic boundaries.

The Chief of the Security Police and the SD thereafter gave a brief review of the battle conducted up to now against these enemies. The most important aspects are—

a. Forcing the Jews out of the various fields of the community life of the German people.

b. Forcing the Jews out of the living space [Lebensraum] of the German people.

In execution of these efforts there was undertaken—as the only possible provisional solution—the acceleration of the emigration of the Jews from Reich territory on an intensified and methodical scale.

By decree of the Reich Marshal, a Reich Central Office for Jewish Emigration was set up in January 1939, and the direction of this office was entrusted to the Chief of the Security Police and the SD. It had in particular the task—

(*a*) Of taking all steps for the *preparation* for an intensified emigration of the Jews.

(*b*) Of *steering* the emigration stream.

(*c*) Of expediting the emigration *in individual cases.*

The objective of these tasks [Aufgabenziel] was to clear the German living space of Jews in a legal way.

The disadvantages which such a forcing of emigration brought with it were clear to all the authorities. But in view of the lack of alternative solutions, they had to be accepted in the beginning.

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Meanwhile, in view of the dangers of an emigration during the war and in view of the possibilities in the East, the Reich Leader SS and Chief of the German Police had forbidden the emigrating of the Jews.

III. The emigration program has now been replaced by the evacuation of the Jews to the East as a further solution possibility, in accordance with previous authorization by the Fuehrer.*

These actions are of course to be regarded only as a temporary substitute; nonetheless, here already, the coming Final Solution [Kommende Endloesung] of the Jewish Question is of great importance.

In the course of this Final Solution of the European Jewish Problem, approximately 11 million Jews are involved. They are distributed among the individual countries as follows:

	Country	*Number*
A.	Original Reich Territory [Altreich]	131,800
	Austria	43,700
	Eastern Territories	420,000
	Government General	2,284,000
	Bialystok	400,000
	Protectorate Bohemia and Moravia	74,200
	Estonia—free of Jews	
	Latvia	3,500
	Lithuania	34,000
	Belgium	43,000
	Denmark	5,600
	France: Occupied territory	165,000
	Unoccupied territory	700,000
	Greece	69,600
	The Netherlands	160,800
	Norway	1,300
B.	Bulgaria	48,000
	England	330,000
	Finland	2,300
	Ireland	4,000
	Italy, including Sardinia	58,000
	Albania	200
	Croatia	40,000
	Portugal	3,000
	Rumania, including Bessarabia	342,000

* The original shows this paragraph underscored by hand and on the margin a large exclamation point covering the length of the paragraph.

Country	*Number*
Sweden	8,000
Switzerland	18,000
Serbia	10,000
Slovakia	88,000
Spain	6,000
Turkey (European part)	55,500
Hungary	742,800
U.S.S.R.	5,000,000
Ukraine	2,994,684
White Russia, excluding Bialystok	446,484
TOTAL	over 11,000,000

In the Jewish population figures given for the various foreign countries however, only those of Jewish faith are included as the stipulations for defining Jews along racial lines still are in part lacking there.

* * * * * * *

Under proper direction the Jews should now in the course of the Final Solution [Endloesung] be brought to the East in a suitable way for use as labor. In big labor gangs, with separation of the sexes, the Jews capable of work are brought to these areas and employed in road building, in which task undoubtedly a great part will fall out through natural diminution [natuerliche Verminderung].

The remnant that finally is able to survive all this—since this is undoubtedly the part with the strongest resistance—must be treated accordingly [entsprechend behandelt werden] since these people, representing a natural selection, are to be regarded as the germ cell of a new Jewish development. (See the experience of history.)

In the program of the practical execution of the Final Solution [Endloesung], Europe is combed through from the West to the East. The Reich area, including the Protectorate of Bohemia and Moravia, will have to be taken in advance, alone, for reasons of the housing problem and other social and political necessities.

The evacuated Jews are brought first group by group into the so-called transit ghettos, in order to be transported from there farther to the East.

An important prerequisite for the whole execution of the evacuation, so SS Lieutenant General Heydrich explained further, is the exact establishment of the category of persons who are to be included.

It is intended not to evacuate Jews over 65 years of age, but to remove them to a ghetto for the aged—Theresienstadt is under consideration.

Along with these old age classes of the perhaps 280,000 Jews who on 31 October 1941 were in Germany proper and in Austria —perhaps 30 percent are over 65 years old—there will also be taken to the ghettos for the aged the Jews who are serious war wounded cases and Jews with war decorations (Iron Cross, First Class). With this appropriate solution the many petitions for exceptions will be eliminated with one blow.

The beginning of the individual larger evacuation actions will be very much dependent on the military development. With regard to the handling of the Final Solution in the European areas occupied and influenced by us, it was proposed that the competent officials in the Foreign Office should confer with the competent specialists of the Security Police and the SD.

In Slovakia and Croatia the matter is no longer too difficult, as the most essential problems in this respect have already been solved there. In Rumania likewise the government has meanwhile appointed a Commissioner for Jewish Affairs. For settling the problem in Hungary it will be necessary in the near future to force upon the Hungarian Government acceptance of an adviser on Jewish problems.

With regard to taking up the preparations for the settling of the problem in Italy, SS Lieutenant General Heydrich thinks a liaison with the Police Chief in these matters is suitable.

In occupied and unoccupied France the taking of the Jews for evacuation can in all probability proceed without great difficulties.

Under State Secretary Luther stated at this point that in a more basic treatment of this problem in a few countries, such as in the northern countries, difficulties would come up, and it is therefore advisable to postpone these countries for the time being. In consideration of the small number of Jews in question here this postponement constitutes no appreciable limitation anyway.

On the other hand, the Foreign Office sees no great difficulties for the south and west of Europe.

SS Major General Hofmann intends to ask to have an official of the Race and Settlement Main Office* sent along to Hungary for general orientation, when the affair is started there by the Chief of the Security Police and the SD. It was decided to assign this official of the Race and Settlement Main Office, who is not to be active, temporarily in the official capacity of assistant to the Police Attaché.

IV. In the course of the Final Solution plans [Entloesungsvorhaben], the Nuernberg Laws are in a certain degree to form the basis, and accordingly the complete settlement of the problem

* See the materials on the RuSHA case, Volumes IV and V, this series.

is to include also the solution of the mixed marriage and the Mischling* problems.

In connection with a letter of the Chief of the Reich Chancellery, the Chief of the Security Police and the SD discussed the following points, for the time being theoretically:

1. *Treatment of the first degree Mischlings.*—First degree Mischlings are to be treated the same as the Jews as regards the Final Solution of the Jewish Problem. From this treatment exception will be made in the case of—

a. First degree Mischlings married to persons of German blood, from whose marriage there are children (2d degree Mischlings). These second degree Mischlings are to have essentially the same position as Germans.

b. First degree Mischlings for whom the exception approvals for certain groups have been accorded previously by the highest authorities of the Party and the State.

Each individual case must be examined and the possibility is not to be excluded that the decision may be retaken in the Mischling's disfavor.

Conditions for the granting of an exception must always be the fundamental merits of the Mischling concerned *himself*. (Not merits of the racial German parent or marriage partner.)

The first degree Mischling excepted from the evacuation is to be sterilized in order to prevent any offspring and to settle the Mischling problem once and for all. The sterilization takes place on a voluntary basis. It is, however, the condition for remaining in the Reich. The sterilized Mischling is afterwards to be free from all restrictive stipulations to which he has previously been subject.

2. *Treatment of the second degree Mischlings.*—The second degree Mischlings are to be treated in principle like persons of German blood *with exception of the following cases* in which the second degree Mischlings are to have the same position as Jews:

a. Derivation of the second degree Mischling from a bastard marriage (both parents Mischlings).

b. Racially especially unfavorable appearance of the second degree Mischling, so that even in appearance he is considered a Jew.

c. Especially bad police and political appraisal of the second degree Mischling which shows that he feels and conducts himself like a Jew.

But even in these cases exceptions are not to be made if the second degree Mischling is married to a person of German blood.

* Persons partly of Jewish descent.

3. *Marriages between full Jews and persons of German blood.*

* * * * * * *

4. *Marriages between first degree Mischlings and persons of German blood.*

* * * * * * *

5. *Marriages between first degree Mischlings and first degree Mischlings or Jews.*

* * * * * * *

6. *Marriages between first degree Mischlings and second degree Mischlings.*

* * * * * * *

SS Gruppenfuehrer Hofmann is of the opinion that extensive use must be made of sterilization; particularly since the Mischling, when confronted with the choice as to whether he is to be evacuated or sterilized, would prefer to submit to sterilization.

State Secretary Dr. Stuckart states that the practical execution of the possibilities just discussed for settling the mixed marriage and the Mischling problems in this way would entail an endless administrative task. On the other hand in order also to take into account in every event the biological actualities, State Secretary Dr. Stuckart suggested that compulsory sterilization be undertaken.

In order to simplify the mixed marriage problem, further possibilities must be considered with the objective that the legislator should perhaps say: "These marriages *shall be deemed* dissolved" [*sind* geschieden].

In connection with the problem of the effect of the Jewish evacuation on the economic life, State Secretary Neumann stated that the Jews employed in important war industries could not be evacuated for the present, as long as there were no replacements available.

SS Major General Heydrich pointed out that those Jews, in accordance with the directives approved by him for the execution of the current evacuations, would not be evacuated.

State Secretary Dr. Buehler states that the Government General would welcome *the initiation* of the Final Solution of this problem *in the Government General,* because here for once the transport problem plays no out of the ordinary role, and here labor commitment considerations would not hinder the course of this action. Jews would have to be removed as quickly as possible from the territory of the Government General because just here the Jew constitutes an eminent danger as a bearer of diseases and he otherwise brings the economic structure of the country con-

stantly into disorder by his black market activities. Furthermore, of the approximately two and one half million Jews here in question, the majority of cases are reported to be *unfit for work.*

State Secretary Dr. Buehler further states that the solution of the Jewish problem in the Government General is primarily the responsibility of the Chief of the Security Police and the SD and his work is supported by the agencies of the Government General. He had only one request, that the Jewish problem in this territory be solved as quickly as possible.

In conclusion the various kinds of solutions were discussed, and here both Gauleiter Dr. Meyer and also State Secretary Dr. Buehler advocated that certain preparatory tasks in the course of the Final Solution be performed immediately in the territories concerned; in this however, any disturbing of the population must be avoided.

With the request of the Chief of the Security Police and the SD to those participating in the conference to afford him their support in the carrying out of the tasks in connection with the solution, the conference was concluded.

PARTIAL TRANSLATION OF DOCUMENT NG–4903
PROSECUTION EXHIBIT 2432

EXTRACTS FROM A DIRECTIVE OF THE REICH MINISTER OF FINANCE, 27 FEBRUARY 1942, CONCERNING THE ADMINISTRATION AND UTILIZATION BY THE REICH FINANCE ADMINISTRATION OF PROPERTY OF PERSONS DEPRIVED OF NATIONALITY AND OF DEPORTED JEWS WHOSE PROPERTY IS CONFISCATED

Berlin W 8, 27 February 1942
Wilhelmplatz ½

The Reich Minister of Finance
0 5210—1839 VI

Subject: Administration and utilization [Verwertung] of property forfeited to the Reich. Regulation of competence.

1. *General.*—The administration and utilization of the property which forfeits to the Reich in connection with the loss [by its owner] of German nationality, and which thereby becomes property of the Reich, is the task of the Reich Finance Administration [Reichsfinanzverwaltung]. Such forfeiture to the Reich takes place—

a. After deprivation of German nationality through declaration of the Reich Minister of the Interior according to the law of the Revocation of Naturalization and the Deprivation of German Nationality, of 14 July 1933, Reich Law Gazette I, page 480 (Decree on German Nationality in the Sudeten-German Territories, of 12 February 1939, Reich Law Gazette I, p. 205, Decree on the Deprivation of Nationality and the Revocation of the Acquisition of Nationality in the Ostmark [Austria] of 11 July 1939, Reich Law Gazette I. p. 1235).

b. In the case of Jews, immediately with the loss of citizenship according to the 11th decree to the Reich Citizenship Law,[1] of 25 November 1941, (Reich Law Gazette I, p. 722).

2. *Hitherto existing regulation of competence.*

* * * * * *

3. *New regulation of competence.*—It has proved inexpedient that a senior finance president administrates and utilizes real estate and industrial works which are situated outside his superior finance district.

I therefore order—

a. The administration and utilization of the real estate and the industrial works for the valuation of which a finance office outside the superior finance district Berlin-Brandenburg is competent according to section 72 of the Tax Code, is to be transferred immediately to those senior finance presidents to the district of which the competent finance offices belong. The pertinent documents are to be transmitted as soon as possible. It is left to the senior finance presidents while administrating the real estate to make use of the finance offices of the district concerned.

b. The Senior Finance President Berlin-Brandenburg continues to be in charge of the total winding-up of the respective assets (paying of debts, realization of movables, etc.) as far as they do not come under *c.* The senior finance presidents who, according to paragraph *a*, have taken over the administration and utilization of parts of property, must therefore inform the Senior Finance President Berlin-Brandenburg on (*a*) the liabilities on the real estate, (*b*) the proceeds from the sale of real estate or industrial works, (*c*) the value of real estate which is used for purposes of the Reich.

c. The competence of the senior finance presidents according to the decrees of 4 November 1941[2] and 9 December 1941 on

[1] Document NG-2499, Prosecution Exhibit 1536, reproduced in part earlier in this section.

[2] Document NG-4905, Prosecution Exhibit 2452, reproduced in part earlier in this section. The present document (directive of 27 February 1942) was issued after the "11th Decree to the Reich Citizenship Law" of 25 November 1941, whereas the previous directive (Doc. NG-4905) dated 4 November 1941, was issued before the 11th decree.

the administration and utilization of deported [abgeschobener] Jews will continue.

* * * * * * *

d. The Senior Finance President Berlin-Brandenburg sets up a master index [Gesamtkartei] concerning all property forfeited to the Reich. Therefore, it is necessary that he be informed of all forfeited property. Hence, the senior finance presidents who administer and utilize the property of deported Jews, have to transmit to the Senior Finance President Berlin-Brandenburg one index card, as of enclosed specimen, for each deported Jew.

This applies also in cases where the property of the deported Jews does not forfeit [verfaellt] to the Reich by virtue of section 3 of the 11th decree but where it is confiscated [eingezogen] in favor of the Reich by virtue of a special order [Verfuegung]. The confiscation of the property is to be marked on the index card.

* * * * * * *

To the Senior Finance Presidents—except Prague—10 copies each.

BY ORDER:

[Signed] MAASS

PARTIAL TRANSLATION OF DOCUMENT NG-2586-H
PROSECUTION EXHIBIT 1453

EXTRACTS FROM THE RECORD OF A CONFERENCE ON THE FINAL SOLUTION OF THE JEWISH QUESTION IN THE REICH MAIN SECURITY OFFICE ON 6 MARCH 1942, NOTING A DISCUSSION OF DEFENDANT STUCKART'S PROPOSALS ON THE STERILIZATION OF PERSONS OF "MIXED BLOOD"

[Stamp] Top Secret

20 copies—3d copy

Conference Record

At the conference on the Final Solution of the Jewish Problem which took place in the Reich Security Main Office Section IV B 4, on 6 March 1942 the following participated:

Senior Government Counsellor Carstensen and Dr. Schmid-Burgh	Reich Ministry for Public Enlightenment and Propaganda
Senior District Court Judge Massfelder	Reich Ministry of Justice

Government Counsellor Dr. Feldscher	Reich Ministry of the Interior
Senior Government Counsellor Dr. Boley	Reich Chancellery
Municipal Judge Dr. Wetzel	Reich Ministry for the Occupied Eastern Territories
Senior Government Counsellors Reischauer and Ancker	Party Chancellery
City Solicitor Dr. Hammerl	Office of the Governor General
Senior Government Counsellor Dr. Bilfinger	Reich Security Main Office
Municipal Judge Liegener	Plenipotentiary for the Four Year Plan
Attorney and Notary Pegler	
SS Captain Preusch and SS 1st Lieutenant Dr. Grohmann	Race and Settlement Main Office
Legation Counsellor Rademacher	Foreign Office

(Photostat: 371962)

[Handwritten] D III 59 Top Secret

The conference showed the following results:

1. *Mischlings.*—At the beginning of the conference the representative of the Reich Ministry of the Interior [Dr. Feldscher] was asked to explain in detail the proposal of State Secretary Dr. Stuckart, made in the State Secretaries' conference of 20 January 1942, that all Mischlings be sterilized, and in particular to state his attitude on the following questions:

(1) Persons who would come under the sterilization plan.

(2) Legal basis of the sterilization plan.

(3) Legal status of the Mischlings after having undergone sterilization.

(4) Administrative execution of the sterilization.

The individual points were then discussed in detail.

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PARTIAL TRANSLATION OF DOCUMENT NG–2586
PROSECUTION EXHIBIT 1544

MEMORANDUM BY RADEMACHER CONCERNING A CONFERENCE AT THE REICH SECURITY MAIN OFFICE ON 6 MARCH 1942, CONCERNING FURTHER HANDLING OF THE JEWISH QUESTION, AND EXTRACTS FROM THE MINUTES OF A SECOND INTERDEPARTMENTAL CONFERENCE ON THE SAME SUBJECT ON 27 OCTOBER 1942

I. Rademacher memorandum of 7 March 1942, submitted to defendant Woermann and others in the Foreign Office

Ref.: LR Rademacher

Top Secret

Memorandum

On 6 March I attended a meeting in the Reich Main Security Office concerning the further handling of the Jewish problem.[1] The purpose of the meeting was to clarify how the general directives laid down in the "meeting of the State Secretaries" of 20 January 1942[2] are to be carried out actually in practice.

The question of the sterilization of the persons of mixed blood amounting to approximately 70,000 individuals was considered to be particularly difficult. According to a report by the Supreme Medical Authority (Reichsaerztefuehrung), this would be equal to 700,000 days spent in hospitals. As the hospitals are occupied by the wounded, this method does not seem practicable, at least during the war. As an alternative to the solution mentioned in section IV/1 of the minutes of 20 January it was, therefore, suggested to assemble all persons of mixed blood (first degree) in a single city either in Germany or in the Government General and to postpone the question of sterilization to the period after the war.

With regard to the question of mixed marriages broached in sections IV–3 and IV–4, it will be proposed to dissolve marriages between racial Germans and Jews of pure blood, and marriages without issue between persons of mixed blood and Germans, by special law. Objections to a divorce by a simple act of legislation were put forward for reasons of propaganda by the representative of the Ministry of Propaganda, and for general legal considerations by the representative of the Ministry of Justice.

[1] The record of the conference of 6 March 1942, Document NG–2586–H, is reproduced in part immediately above.

[2] Reference is made to the "Wannsee Conference" on the "Final Solution" of the Jewish question. Extracts from the minutes of this conference are reproduced earlier in this section as Document NG–2586–G, Prosecution Exhibit 1452.

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For these reasons, the final suggestion provides for a simplified method of divorce by way of nonlitigious procedure, to be initiated on the application either of the racial German partner or of the public prosecutor. The qualification of being a Jew will, in this procedure, exclusively be determined by the Higher State Police Regional Headquarters which has the jurisdiction over the Jew in question.

Herewith—through Under State Secretary Luther—[Signed] LUTHER 10 March

Submitted for information to—

Under State Secretary Gaus [Initial] G [GAUS] 13 March

Under State Secretary Woermann [Initial] W [WOERMANN] 14 March

State Secretary von Weizsaecker [crossed out in the original]

Berlin, 7 March 1942

[Signed] RADEMACHER

2. Extracts from the minutes of a conference at the Reich Security Main Office on 27 October 1942

To IV B 4—B No. 1456/41 Top Secret (1344)

Top Secret!
First copy

Minutes of Conference

The following persons attended the conference held on 27 October 1942 at the Reich Security Main Office, Referat IV B 4, at which the Final Solution of the Jewish problem was discussed:

Oberregierungsrat Dr. Boley	Reich Chancellery
SS Captain Preusch	Race and Settlement Main Office SS
SS First Lieutenant Harders	Race and Settlement Main Office SS
Referent Dr. Schmid-Burgh	Reich Ministry for Public Enlightenment and Propaganda
Oberlandesgerichtsrat Massfelder	Reich Ministry of Justice
Reichsamtsleiter Kap	Party Chancellery
Regierungsrat Raudies	Party Chancellery
Bereichsleiter Leuschner	Office for Racial Politics of the NSDAP

Oberreg. Rat Dr. Wetzel	Reich Ministry for the Occupied Eastern Territories
Legation Counsellor Dr. Klingenfuss	Foreign Office
Amtsgerichtsrat Liegener	Plenipotentiary for the Four Year Plan
Reg. Rat Dr. Feldscher	Department I of Reich Ministry of the Interior
Landesoberverwaltungsrat Weirauch	Government of Government General
SS Major Dr. Stier	Reich Commissioner for the Strengthening of Germanism
SS Lieutenant Colonel OR. Dr. Bilfinger	Reich Security Main Office II A
SS Major Reg. Rat Neifeind	Reich Security Main Office II A 2
SS Major Dr. Rodemberg	Reich Security Main Office III A
SS Lieutenant Colonel Eichmann	Reich Security Main Office IV B 4
SS Major Guenther	Reich Security Main Office IV B 4
SS Major Reg. Rat. Suhr	Reich Security Main Office IV B 4
Reg. Rat Hunsche	Reich Security Main Office IV B 4

The discussion showed the following results:

I. Persons of Mixed Blood

a. Persons of mixed blood of the first degree.—At the beginning of the discussion it was said that owing to new knowledge and experience gained in the field of sterilization, it would probably be possible to carry out sterilizations, *already during the war,* in simpler form and with shorter procedure. In view of that, the suggestion to sterilize *all* reproductive persons of mixed blood of the first degree, was agreed upon. The sterilization should be on a voluntary basis. But it is the prerequisite for their remaining in the Reich territory, and therefore constitutes a voluntary return service of the person of mixed blood of the first degree for allowing him graciously to remain [gnadenweise Belassung] in Reich territory. Consequently, the person of mixed blood (first degree) is to be given the option to decide either to be deported which, should the occasion arise, would also mean the taking to a

"person of mixed blood settlement," according to results of discussion held on 6 March 1942,* or to be sterilized. When giving this choice, it serves a better purpose to depict deportation as the more severe measure in comparison to sterilization. Thus, the aim should be that in the few cases where an exception—generally not provided for—has to be made, the possibility of compulsory sterilization should still exist. For this reason, sterilization is to be considered a *gracious favor* [gnadenweise Verguenstigung] which will be recognized as such and will lead to the results that the number of applications for exemption from these prescribed measures is likely not be very large. As it can be assumed that almost all persons of mixed blood of the first degree will decide on the lesser evil of sterilization, the endeavored sterilization stands out clearly as the primary choice. Would, on the other hand, on giving the choice, sterilization be depicted as the greater evil, the person of mixed blood of the first degree, to whom the possibility of an exception must be left open after all, despite the directives, would not be subjected to any restrictions apart from those already in existence which, under no circumstances, can be tolerated because the intended sterilization would then be made impossible. Giving the possibility of choice also takes away to a certain degree the semblance of compulsion for the intended measures and, above all, offers the advantage that the creation of a legislative basis for the carrying out of sterilization can perhaps be abandoned, because the person of mixed blood of the first degree has voluntarily consented to be sterilized. In order to prevent serious psychological repercussions, sterilization measures should be carried out without much ado wherever possible and under application of a simplified procedure and code-mark [Tarnungsbezeichnung]. The persons of mixed blood of the first degree are subject with few modifications to restrictions in the Reich territory as before and as laid down previously. Should in single cases persons of mixed blood of the first degree decide on deportation, measures are to be taken to separate them from the opposite sex and to prevent any possibility of procreation.

b. Persons of mixed blood of the second degree.—As the persons of mixed blood of the second degree are to be taken as of German blood *without exception,* no particular measures are to be taken against them. Certain existing restrictions, in connection with their legal status, will still remain in force.

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* See file note on the preceding interdepartmental conference on the same questions, Document NG–2586, Prosecution Exhibit 1544, reproduced immediately above.

II. Mixed Marriages

For marriages between persons of mixed blood of the first degree or Jews, no additional divorce possibilities, except those already existing, will be created, because there is no interest for it.

1. *Divorce by compulsion.—a.* In the case of mixed marriages between pure Germans and pure Jews, a compulsory divorce is to be effected as laid down previously, in case the German blooded marriage partner cannot make up his or her mind, within a given time, to apply for divorce. Compulsory divorce seems appropriate because in view of the Jew being deported a clear legal situation within this field must be created. Exceptions are also forbidden, contrary to the regulation intended up to now, in the case of persons considered as Jews who only possess two racially pure Jewish grandparents on either side or less, because to check such cases would entail too many difficulties and there is no reason to deviate from the legal classification as pure Jew in accordance with Articles 2 and 5 of the First Decree to the Reich Citizen Law dated 14 November 1935 (Reich Legal Gazette I, p. 1333). Unless there is no other decision within the meaning of Article 7 of the mentioned decree, no pure Jew can be exempted from this regulation, even if their legitimate children have already been recognized as equals to persons of German blood or if their recognition can be expected on account of being soldiers as members of the Wehrmacht.

b. At the same time, the possibility must exist for compulsory divorce, as laid down, between persons of mixed blood in the second degree and Jews.

2. *Simplified divorce on application.*

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The above results of this discussion shall, as agreed upon, be forwarded to the appropriate offices for their final attitude which is to be given within 4 weeks *at the latest.*

PARTIAL TRANSLATION OF DOCUMENT NO–1805
PROSECUTION EXHIBIT 2357

EXTRACT FROM THE INTRODUCTION TO THE SS PAMPHLET "THE SUBHUMAN," A PUBLICATION OF THE SS MAIN OFFICE*

* * * * * * *

"As long as there are human beings on earth, the fight between humans and subhumans will be a historical law and the fight led by the Jew against the nations belongs, as far back as we can see, to the natural course of life on our planet. One can safely arrive at the conclusion that this struggle for life and death is as much a law of nature as the fight of the plague germ against the healthy body."

Reich Leader SS Heinrich Himmler 1935

Just as the night rises against the day, as light and shadow are eternal enemies—so the greatest enemy of man who rules the earth is man himself. The subhuman—this biologically apparently entirely man-resembling creation of nature with hands, feet, and a sort of brain, with eyes and mouth, is yet an entirely different, a terrible creature, is only tending towards a human with anthropoid facial features—but mentally and morally lower than any animal. In the interior of this being is a cruel chaos of wild, unsuppressed fury—the inexpressible will to destruction, most primitive greed, entirely inconcealed obscenity.

Subhuman—nothing else. For not all that wears human features is equal. Woe to him who forgets this!

Whatever this earth possesses of great works, ideas and arts—man has contrived, created, and completed; he meditated and invented, for him there was only one goal—to work himself up to a higher level of existence, to shape the inadequate, and to replace the insufficient by something better.

So culture grew.

So the plow, the tool, and the house came into existence.

So man became gregarious; so family, nation, and state came into existence.

So man became good and great. So he rose far above all creatures.

So he became nearest to God.

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* The pamphlet is a 50-page publication consisting of an introduction and numerous photographs with lengthy captions. For technical reasons none of the photographs are reproduced here. Concerning support for the distribution of this pamphlet, see the letter of defendant Berger to Himmler, dated 31 March 1942, reproduced in part immediately below. A slightly revised edition of "The SubHuman" was also introduced in evidence as Document NO–5889, Prosecution Exhibit 3498, not reproduced herein.

But the subhuman also lived. He hated the work of the other. He raged against it, secretly as thief, publicly as slanderer—as murderer.

He associated with his ilk.

Beast called to beast.

Never did the subhuman preserve peace, never did he relax. For he needed semi-darkness, chaos. He avoided the light of cultural progress.

* * * * * * *

Publisher.—The Reich Leader SS, the SS Main Office.

PARTIAL TRANSLATION OF NO-537
PROSECUTION EXHIBIT 2358

EXTRACTS FROM A LETTER FROM DEFENDANT BERGER TO HIMMLER, 31 MARCH 1942, CONCERNING A VISIT OF BERGER TO THE TREASURER OF THE NAZI PARTY IN ORDER TO OBTAIN SUPPORT FOR THE CIRCULATION OF THE SS PAMPHLET "THE SUBHUMAN" AND OTHER MATTERS

Berlin W 35, 31 March 1942
Luetzowstr. 48/49
POB 43
[Stamp] Secret
[Illegible initial]

The Reich Leader SS
Chief of the SS Main Office
CdSSHA Re/Vo. Journal No. 1109
Quote above reference number
and date when replying.
Concerns: Inspection Trip Munich
Departure: Friday, 27 March 1942, 2205 hours.
Arrival: Berlin, Sunday, 29 March 1942, 0850 hours.
To the Reich Leader SS H. Himmler
Fuehrer Headquarters
Reich Leader

1. Reich Treasurer [of the Nazi Party] Schwarz.

On Saturday I visited Reich Treasurer Schwarz in order to show him the pamphlet "Der Untermensch" ["The Subhuman"] personally and in order to be able to ask him for his support.

The Reich Treasurer was very talkative and told me about his conference with the Reich Leader SS, which had provided him

with incentive for three whole months. He liked the pamphlet very much and said that every German family should have it and that he himself will support its circulation.

Germanic work is important to the Reich Treasurer. He definitely agreed with my ideas about the consolidation and uniform coordination under the Reich Leader SS. He proposed that Germanic work should somehow constitute a basic principle in the regulation implementing the Fuehrer decree concerning the consolidation of "folkdom work" [Volkstumarbeit] in the "folkdom community" [Volkstumsverband]. However, he could not survey the situation at present but believed that it would be the best solution. He would do all in his power for the Reich schools in the Germanic countries.

Reich Treasurer Schwarz is especially grateful to me for having warned him at the time in November to accept the invitation of the Governor General Frank. During early summer Reich Treasurer Schwarz intends to visit a number of Gaue. The itinerary is to be sent to me, and he asks the Reich Leader SS to check whether it would be better not to visit one or the other of the Gauleiters. It is of particular interest to him that suddenly a number of Gauleiters again wish to cooperate more closely and without exception base it on the fact that in spite of all ill will and misunderstanding the Reich Leader SS and his SS nevertheless form the nucleus of the Party.

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PARTIAL TRANSLATION OF DOCUMENT NG-2586-I
PROSECUTION EXHIBIT 1454

MEMORANDUM FROM RADEMACHER TO DEFENDANT VON WEIZSAECKER, THROUGH LUTHER, GAUS, AND DEFENDANT WOERMANN, 11 JUNE 1942, CONCERNING THE TREATMENT OF PERSONS OF "MIXED BLOOD"

Branch D III

D III 53 g

[Stamp] Top Secret

via Under State Secretary Luther, Under State Secretary Gaus, Under State Secretary Woermann, and to State Secretary von Weizsaecker

As per enclosures* I submit a graphic presentation of the re-

* The enclosures were a part of the exhibit introduced in evidence but they are not reproduced here because of their length. The enclosures begin with a memorandum on the State Secretary Conference of 20 January 1942 concerning the handling of persons of "mixed blood" and include numerous letters from various Ministries on the question.

sult of the conferences and correspondence up to date regarding the question of future measures toward persons of mixed blood (first and second degree).

Viewing the matter from the angle of foreign policy it should be immaterial whether the persons of mixed blood are deported to the East or whether they are sterilized and permitted to remain in Germany.

Berlin, 11 June 1942

[Signed] RADEMACHER

TRANSLATION OF DOCUMENT NG–1516
PROSECUTION EXHIBIT 1704

MEMORANDUM OF DEFENDANT WOERMANN TO DEPARTMENT GERMANY III, 19 MAY 1942, CONCERNING THE EXEMPTION OF CERTAIN FOREIGN JEWS FROM JEWISH MEASURES IN FRANCE AND THE NETHERLANDS

to D III 447 g (secret) II

Berlin, 19 May 1942

The State Secretary sent me the enclosed agenda* with a note that I should settle the matter with the Division Germany direct.

From the note, dated 18 May, I cannot see distinctly what ultimate suggestion is now being made by Division Germany. I initialed the suggestion dated 15 May at the time, but I have now come to the conclusion that to afford privileged treatment just for American and British Jews in France is not practicable and would also contradict the directives given by the Reich Foreign Minister. Otherwise I call your attention to the fact that, according to a report sent by Minister Bene to the Germany Division, all foreign Jews were exempted in the occupied Netherlands. Generally it seems to me expedient if, in questions of this nature, the same policy is followed in all occupied countries.

In carefully considering the various circumstances it seems to me that the simplest solution would be to proceed in occupied France either in the same way as in the Netherlands or as in Germany.

I do not see any sound reason why one should introduce a third regime in France. The argument that any exemption of foreigners could only take place by internal regulations with the cooperation of French authorities, and would be interpreted as a weakness in France, appears to me more relevant to the case—that only our enemies, the British and Americans, are privileged—than if the regulations valid in Germany were to be introduced.

* The enclosure was not a part of the exhibit offered in evidence.

The possibility mentioned at the close of the note dated 18 May, namely to induce the French Government to issue a simultaneous, adequate decree for unoccupied France, suggests causing the French Government to pass an adequate decree for occupied and unoccupied France. I recommend asking Ambassador Abetz to give his opinion and to get that of the military commander on this question. It would not be practicable for the 1 June deadline not to be met. Please call me up or discuss the matter with me before a final settlement is made.

Herewith.

Department D III
Signed: WOERMANN

TRANSLATION OF DOCUMENT NG–4409
PROSECUTION EXHIBIT 1633

MEMORANDUM FROM WUESTER TO DEFENDANTS VON WEIZSAECKER AND WOERMANN, 9 SEPTEMBER 1941, CONCERNING THE SIGNING OF NEW JEWISH LAWS IN SLOVAKIA SAID TO BE "MUCH MORE SEVERE" THAN PREVAILING GERMAN LAWS

Berlin, 9 September [1941]

Memorandum

During a telephone conversation Embassy Counsellor Dr. Endroes in Bratislava just informed me that the new Jewish laws will be signed today by the Slovakian Council of Ministers. In their effect upon the Jews they are said to be much more severe than the prevailing German (Nuernberg) Laws. Dr. Endroes points out that this is of special significance inasmuch as a Catholic priest is head of the Slovakian State. Minister Ludin will report fully after the signing. Dr. Endroes asked that this event be thoroughly discussed in the German press and radio because of the aforementioned significance.

[Signed] WUESTER

To the State Secretary [Initial] W [WEIZSAECKER]
Director Political Division
Director Radio Division
each

TRANSLATION OF DOCUMENT NG–4407
PROSECUTION EXHIBIT 1635

EXCHANGE OF TELEGRAMS BETWEEN THE GERMAN MINISTER IN SLOVAKIA AND THE FOREIGN OFFICE, 26 AND 30 JUNE, 1942, CONCERNING DIPLOMATIC INFLUENCE BY GERMANY IN CONNECTION WITH THE DEPORTATION OF SLOVAKIAN JEWS

1. Telegram from Minister Ludin to the Foreign Office, 26 June 1942

Telegram

(Secret)

Bratislava, 26 June 1942, 1205 hours
Received: 26 June 1942, 1215 hours
No. 992 of 26 June

Citissime!

Evacuation of Jews from Slovakia has reached a deadlock. Because of clerical influence and the corruption of individual officials, 35,000 Jews have received special consideration on the basis of which they need not be evacuated. The deportation of Jews is very unpopular in wide circles of the Slovakian population. This attitude is strengthened by English counterpropaganda which commenced sharply in the last few days. Minister President Tuka wishes to continue the deportations, however, and requests strong support by diplomatic pressure on the part of the Reich.

Request directives as to whether this direction is to be followed.

LUDIN

[Distribution Form]*
State Secretary Keppler
Under State Secretary Political Div.
Under State Secretary Legal Div.
Under State Secretary Luther
Ambassador Ritter
Chief Personnel
Chief Trade Political
Chief Cultural
Chief Press
Chief Radio
Chief Information

* On the distribution form, handwritten checkmarks appear after the following entries: "State Secretary Keppler;" "Under State Secretary, Political Division" [defendant Woermann]; "Under State Secretary Legal Division;" "Under State Secretary Luther;" "Dirigent Political Division."

Chief Protocol
Dirigent Political Division [checked]
Work copy with Pol IV D [Illegible initial]
[Handwritten] State Secretary

2. Telegram from defendant von Weizsaecker to Ambassador Luther, dispatched on 30 June 1942

Teletype—Secret

For Ambassador Ludin Personally

To the German Embassy Bratislava
Under State Secretary Luther
[Handwritten] No. 976

State Secretary
Under State Secretary

Subject: Deportation of Jews from Slovakia

After Dispatch: Pol IV for information.

In reply to your telegram No. 992 of 26 June. You can render the diplomatic assistance requested by Minister President Tuka by stating on occasion that the stopping of the deportation of Jews and particularly the exclusion of 35,000 Jews reported in your telegram would cause surprise* in Germany, particularly since the previous cooperation of Slovakia in the Jewish question has been much appreciated here.

WEIZSAECKER

[Handwritten] Sent 30 June

* In original document, the words "would leave a very bad impression" were crossed out, and the phrase "would cause surprise" inserted by hand.

PARTIAL TRANSLATION OF DOCUMENT NG-183
PROSECUTION EXHIBIT 1680

CORRESPONDENCE AND DRAFT CORRESPONDENCE OF THE GERMAN FOREIGN OFFICE, JUNE AND JULY 1942, CONCERNING THE TRANSPORT OF JEWS FROM FRANCE, THE NETHERLANDS, AND BELGIUM TO AUSCHWITZ

I. Telegram of 28 June 1942, with notes and initials

Berlin, 28 June 1942 File reference: D III 516 g

[Stamp] Diplogerma
Consugerma

[Stamp] Secret

[Stamp] Telegram (Secret Code)

1. To the Diplogerma—

a. German Embassy in Paris. [Handwritten] No. 2709.

b. Branch of the Foreign Office at Brussels. [Handwritten] No. 788 Foreign Office.

c. The Representative of the Foreign Office to the staff of the Reich Commissioner for the Occupied Netherland Territories at The Hague, Plein 23 [Handwritten] Zc IIV 601 g

—each separately. [Handwritten] No. 207 [illegible initial].

State Secretary [initial] W [WEIZSAECKER] 28 [June]
Under State Secretary

Referent: Under State Secretary Luther
Legation Councillor Rademacher

2. Before Dispatch—

To Section Pol. II Ref. 1, with the request to take note and to cosign.

[Handwritten on margin] Resubmit at once after dispatch with respect to Hague (no code material, no secret teletype!) 30/6 [Illegible initials] 28/6 to: *a* and *b*.

The Chief of the Security Police and the SD issues the following information:

"Provisions have been made to run daily special trains with a capacity of 1,000 persons each, from the middle of July and beginning of August on, respectively, by means of which the deportation to the Auschwitz camp for labor service of at first approx[imately] 40,000 Jews from Occupied French territory, 40,000 Jews from the Netherlands, and 10,000 Jews from Belgium will be carried out.

"Persons at present coming within the scope of these measures are able-bodied Jews, insofar as they do not live in a mixed marriage and do not possess a citizenship of the British Empire, the United States, Mexico, or of the enemy states of Central and South America, or of the neutral and allied states." An early reply is requested.

[Signed] LUTHER 25 June
[Initial] R [RADEMACHER] 25 June

2. Telegram from Ambassador Abetz in Paris, 2 July 1942, with initials and distribution

[Stamp] Work-copy

Telegram, (by secret teletypewriter)
[Stamp] Foreign Office
D III 539 0
In: 3 July 1942

Paris, 2 July 1942, 2245 hours.
Arrival: 3 July 1942, 0200 hours.
No. 2784 dated 2 July

To decree by cable No. 2709* dated 28 June and in reply to cable report No. 2783** dated 2 July

[Marginal note]
* D III 516 g.
** D III.

[Distribution Stamp]

Fifteen copies of the above were produced, which were distributed as follows:*

No. 1—D III (Working Staff).
2—Reich Foreign Minister
3—State Secretary [defendant von Weizsaecker].
5—Office of the Reich Foreign Minister.
6—Chief of the Political Division [defendant Woermann].
7—Chief of the Legal Division.
8—Chief of the Personnel Division.
9—Chief of the Trade Policy Division.
10—Chief of the Cultural Division.
11—Chief of the Press Division.
12—Chief of the Protocol Division.
13—Chief of the Division Germany.
14—Chief of the Radio Division.
15—Deputy Chief of the Political Division.

* The number "4" space on this distribution list was left a blank in the original document.

This is copy *No. 1*

The Embassy has no objections on principle against the deportation of 40,000 Jews from France to be allocated for labor to the Auschwitz camp. In carrying out these measures, however, the following points should be taken into consideration:

Whenever anti-Jewish measures were taken, the Embassy took the view that they should be carried out in such a form as to continuously add further to the anti-Semitic sentiment, which has increased of late. Just as former influx of eastern and other foreign Jews into Germany lent a special zest to the anti-Semitic trend among the German people, so it can also be observed in France that the increase of anti-Semitism is to a large degree caused by the immigration of Jews of foreign nationalities in the last few years. It will therefore have a psychological effect on the broad masses of French people, if the evacuation measures are at first applied to such foreign Jews, and French Jews are at first only drawn upon to the extent which foreign Jews do not fill the above mentioned quota.

Such a procedure would by no means establish a privileged position for the French Jew, as in any case he must likewise disappear in the process of liberation of the European countries from Jewry. This already finds its expression in the fact that in any case a certain number of French Jews will be included in the stipulated quota.

ABETZ

3. Teletype from Luther to the German Embassy in Paris, 10 July 1942

Berlin, 10 July 1942 File reference: D III 539 g

[Stamp] Diplogerma
Consugerma
No. 2964

Teletype, by secret teletypewriter

To the German Embassy Paris

[Stamp] Dispatched 11 July, [Illegible number] hours

Concerning telegram 2 July, No. 2783 and No. 2784.

After dispatch—To Section Pol II for information. [Illegible initial].

At the time not yet possible to give priority in deportation to Jews of foreign nationality.

Further orders pending concerning the extension of expulsion measures to foreign Jews.

Evacuation now to be carried out without delay.

[Signed] LUTHER

[Stamp]
Leave Space for Telegram Control

4. Draft express letter from the Foreign Office to the Reich Main Security Office, with various initials, dated in late July 1942

Draft Regarding D III 558 g.

Express letter

1. To Reich Security Main Office—IV B 4—

Attention: SS Lieutenant Colonel Eichmann

Berlin W 62

Kurfuerstenstr. 116.

Concerning Express letter of 22 of last month

IV B 4a—3233/41 Secret (1085).

State Secretary [initial] W [WEIZSAECKER] 29

Under State Secretary [initial] W [WOERMANN]

Chief Political Division

Under State Secretary

Germany Div. [Illegible initials]

27 July

Ref.: Legation Counsellor Klingenfuss

In principle the Foreign Office has no objection to the planned deportation of the given number of Jews from the occupied territory in France, the Netherlands, and Belgium for labor at the Auschwitz camp. In view of the psychological effect, I should like to request that first of all the stateless Jews be deported, thus including to a large extent the number of foreign Jews who had emigrated to the West. There are nearly 25,000 of these Jews in the Netherlands alone. For the same reason the Military Administration in Brussels [crossed out: "intends"] select first only Polish, Czech, Russian, and other Jews [crossed out: "while it (the Brussels Military Administration) has doubts as to include Belgian Jews, the Foreign Office does not share these doubts"].

[Handwritten marginal note] Will, as far as known here.

Jews of Hungarian and Rumanian nationality can be deported; however, it is requested that care be taken to secure all property in each case.

BY ORDER:

[Signed] LUTHER 26 July

2. WV.

[Initial] R [RADEMACHER] 27 July

TRANSLATION OF DOCUMENT WEIZSAECKER 510a*
WEIZSAECKER DEFENSE EXHIBIT 465

MEMORANDUM ON A CONFERENCE OF EXPERTS FOR JEWISH QUESTIONS OF THE SECURITY POLICE IN PARIS, 1 JULY 1942, CONCERNING THE DEPORTATION OF 50,000 JEWS TO THE AUSCHWITZ CONCENTRATION CAMP

IV J—SA 24 Paris, 1 July 1942
Ah/Ge

Subject: Conference with the specialists for Jewish questions of the Security Police (SD)—units in the Referat IV J on 30 June 1942;
Re: Deportation of Jews from the Occupied Zone [of France] to Auschwitz

1. *Memorandum.* The specialists for Jewish questions of the SD units were advised in connection with the deportation of Jews from the occupied zone that it was decided in a conference at the Reich Security Main Office to deport within a short time 50,000 Jews from the Occupied Zone of France. The necessary preliminary work shall be commenced at once. It is contemplated to use the following trains for the movement:

First train from Bordeaux (first shipment to leave 13 July 1942).

Second train from Bordeaux.

Third train from Angers.

Fourth train from Rouen.

Fifth train from Châlons-sur-Marne—Nancy.

Sixth train from Orleans.

The first train to leave from Bordeaux has already been made available for 13 July 1942. The other trains probably will be made ready for departure at 2-day intervals.

The Security Police (SD) units [at] Dijon, Poitiers, Rennes, and St. Quentin shall ship the Jews who were registered in their districts to the nearest railroad stations designated for the departure according to the following schedule:

St. Quentin to Châlons-sur-Marne.

Dijon to Orleans.

Poitiers and Rennes to Angers.

The specialists were once more instructed to carry out the necessary actions at once allowing no leniency and to report not later than 6 July 1942 on the following points:

a. How many Jews are eligible for the shipments?

* This document is an excerpt of Document RF-1222 introduced in the IMT trial as Exhibit RF-1222, and the full German text is reproduced in Trial of the Major War Criminals, op. cit., volume XXXIX, pages 4–6.

953402—52——16

b. How many children are going to remain behind?

c. How many old Jews and such who are partially disabled are going to remain behind?

d. How many not wearing the Jewish Star of David are still in the command area of the SD Commandos?

e. Have arrangements been made to have the trains guarded by military police?

2. Submitted for information to SS Colonel Dr. Knochen.
3. Submitted for information to SS Lieutenant Colonel Lischka.
4. Returned to IV J.

Signed: DANNECKER
SS Captain

* * * * * * *

TRANSLATION OF DOCUMENT STEENGRACHT 66
STEENGRACHT DEFENSE EXHIBIT 66

LETTER FROM DEFENDANT LAMMERS TO SUPREME REICH AUTHORITIES AND OFFICES UNDER IMMEDIATE COMMAND OF HITLER, 5 JULY 1942, REQUESTING SUPPORT OF ROSENBERG AS LEADER OF THE INTELLECTUAL STRUGGLE AGAINST JEWS AND FREE MASONS, AND DEFINING AUTHORITY OF ROSENBERG'S "EINSATZSTAB" IN OCCUPIED TERRITORY*

The Reich Minister and Chief of the Reich Chancellery
Rk. 9495 B

Please use this reference in any further correspondence.

Berlin W8, 5 July 1942
Voss Str. 6

At present Fuehrer Headquarters Mail is to be addressed exclusively to the Berlin address.

To the Supreme Reich Authorities and the offices under the immediate command of the Fuehrer

In his capacity as the Fuehrer's delegate for the supervision of the entire spiritual and ideological indoctrination and training of the NSDAP, the Fuehrer has entrusted Reichsleiter Rosenberg with the intellectual struggle against the Jews and Free Masons as well as their allied ideological opponents of national socialism as the originators of the present war. For this purpose the

* This letter was introduced in the IMT trial as Document 1015-D-PS, Exhibit USA-385, and the German text is reproduced in Trial of the Major War Criminals, op. cit., volume XXVI, pages 532 and 533.

Fuehrer has ordered that, in the occupied territories under military administration and in the Occupied Eastern Territories under civilian administration, (not including the Government General) the Einsatzstab of Reichsleiter Rosenberg shall have the right to search libraries, archives, lodges, and other ideological and cultural institutions for material suitable for the execution of its task and to ask the competent Wehrmacht and police authorities to requisition material thus obtained to implement the ideological tasks of the NSDAP and for subsequent scientific research by the Academy for Political Science [Hohen Schule], in which process the files pertaining to police and political matters will remain with the police, all the rest will be handed over to the Einsatzstab of Reichsleiter Rosenberg. The Einsatzstab shall have the right to make the same request with regard to cultural objects which are the property or possession of Jews, which are without owner, or the owner of which cannot be established with certainty. The implementation regulations on collaboration with the Wehrmacht will be issued by the Chief of the High Command of the Wehrmacht in agreement with Reichsleiter Rosenberg. In his capacity as Reich Minister for the Occupied Eastern Territories, Reichsleiter Rosenberg will take the necessary steps in the eastern territories under German administration.

I inform you of this instruction of the Fuehrer and request that you support Reichsleiter Rosenberg in the fulfillment of his task.

[Signed] DR. LAMMERS

TRANSLATION OF DOCUMENT NO-3631
PROSECUTION EXHIBIT 1100

LETTER FROM HIMMLER TO ROSENBERG, JULY 1942, CONFIRMING THE APPOINTMENT OF DEFENDANT BERGER AS LIAISON OFFICER OF HIMMLER WITH THE EAST MINISTRY

Fuehrer Headquarters
July 1942*

Dear Party Member Rosenberg:

With this letter I wish to confirm our oral discussion of yesterday regarding the appointment of a liaison officer.

After the death of SS Lieutenant General Heydrich, I appoint the Chief of the SS Main Office, SS Major General and Major General of the Waffen SS Berger—with whom you personally, as well as your office, hitherto had good contact—as liaison officer with the Ministry for the Occupied Eastern Territories.

* The original document had no day in the date. The document was found in folder C-111 of the SS files collected in the Berlin Document Center after the war.

Current official relations between my Main Offices, especially the Main Office Uniformed Police and the Main Office Security Police and your Ministry are not affected thereby. The chiefs of my Main Offices will, on their own part, inform the liaison officer of all developments.

Consultation and visits of the individual Chiefs of Main Offices, as for example, of the SS General Daluege, of the SS Lieutenant General Wolff, of the SS Lieutenant General Pohl, of the SS Major Generals Streckenbach, Mueller, Greifelt, Juettner, and others will likewise not be affected by the activity of the liaison officer.

Heil Hitler!

Yours,

[Signed] H. HIMMLER

TRANSLATION OF DOCUMENT NO-626*
PROSECUTION EXHIBIT 2378

LETTER FROM HIMMLER TO DEFENDANT BERGER, 28 JULY 1942, INFORMING BERGER THAT THE OCCUPIED TERRITORIES WILL BE PURGED OF JEWS, AND ADVISING BERGER OF A FORTHCOMING MEMORANDUM BY DEFENDANT LAMMERS

The Reich Leader SS
1279/42

Reval, 28 July 1942

Top Secret

Dear Berger,

1 Copy

Concerning your file notes—

1. I urgently request that no ordinance regarding the definition of the word "Jew" be issued. We are only tying our own hands by establishing these foolish definitions. The occupied territories will be purged of Jews. The Fuehrer has charged me with the execution of this very difficult order. No one can release me from this responsibility in any case. Hence, I strongly resent all interference. You will receive the memorandum of Lammers in a short time.

2. What is the idea of this marital law? I want it to be submitted to me. I can already say that I am of the opinion that alliances [Verbindungen] of Germans with local women cannot for the present be regulated by law. They should be prohibited by law altogether. Exceptions for Estonia and Latvia would have to be sent to central authorities there and decided individually according to racial considerations. In a year's time the

* Photographic reproduction of this document appears in Appendix A, Volume XIV.

knowledge gained by practical experience can be expressed in legal form.

That is the way to govern and not otherwise.

Heil Hitler!

Yours,

[Initials] H. H. [HEINRICH HIMMLER]

TRANSLATION OF DOCUMENT NG-2633
PROSECUTION EXHIBIT 1683

MEMORANDUM FROM ALBRECHT TO DEFENDANT VON WEIZSAECKER, 31 JULY 1942, CONCERNING COMPLICATIONS ARISING WITH SWEDEN AS THE PROTECTING POWER FOR HOLLAND IN CONNECTION WITH THE INTERNMENT AND DEATH OF DUTCH JEWS IN GERMAN CONCENTRATION CAMPS

to File III 581, Secret

Sweden is still recognized as the Protecting Power for the Netherlands, because in case of a withdrawal of the functions of the Protecting Power there would be the risk that the Netherland authorities in Surinam and Curaçao, on their part, might also cease to recognize Switzerland as the Protecting Power for Germany, in which case the Germans residing in those places would be deprived of an effective protection. *Sweden's authority as a Protecting Power* relates to the German Reich and the occupied territories, not however, to Holland directly. For this reason, the Foreign Office has repeatedly suggested, in the case of internment measures against Dutch citizens, that the internments should be undertaken in Holland, in order to prevent the Swedish delegation raising a claim from visiting the internees. Moreover, due to internal administrative measures, Sweden's activities as the Protecting Power for Dutch citizens have been so limited that they are very small. When the prospective deportation of Jews from Holland takes place, it can be assumed without doubt that international Jewish circles will try to persuade the Swedish delegation, via the Dutch Government in exile, to make an attempt at intervention on behalf of these Jews. The Reich government will not be in the position to reject such attempts on the grounds that these Jews have been deprived of their Dutch citizenship by a German Government authority. The regulation in prospect will therefore not achieve its purpose to eliminate Sweden in its role as a Protecting Power.

[Handwritten] In connection with this see Foreign Office report from London.

When, after the Amsterdam uprisings, several hundred Jews of Dutch nationality were taken to the Mauthausen internment camp, the police turned down the repeated requests of the Swedish delegation for permission to inspect this camp. On the other hand, the police currently forwarded death certificates to the relatives of these Jews in the Netherlands from which it could be determined that gradually all these Jews died.

With the deportation of Jews now imminent, it would have to be investigated whether it is necessary for the police to continue to furnish the interested parties with material from which they could authentically determine the result of the measures which have been taken. As long as Jewish internees were present in Mauthausen the Swedish delegation took the occasion to renew their requests to visit the camp whenever further death certificates arrived. Should it be unavoidable to place the Dutch Jews outside Holland, it would be expedient if the police would not allow any information to leak out with regard to their whereabouts, or possible cases of death. Then it would presumably be possible to turn down the requests of the Swedish delegation to visit the camp. However, the risk that Germans in Dutch colonies may experience worse treatment as a consequence of the measures against the Jews, cannot be prevented.

Herewith respectfully submitted to the State Secretary

Berlin, 31 July 1942

[Signed] ALBRECHT

[Marginal note in Weizsaecker's handwriting] For final decision.
[Initial] W [Weizsaecker] 1 August.

PARTIAL TRANSLATION OF DOCUMENT NG–2586–J
PROSECUTION EXHIBIT 1455

EXTRACTS FROM A MEMORANDUM OF LUTHER, 21 AUGUST 1942, REVIEWING ANTI-JEWISH MEASURES SINCE 1939, THE RELATION OF THE FOREIGN OFFICE THERETO, AND FURTHER MEASURES CONNECTED TO THE "FINAL SOLUTION" OF THE JEWISH QUESTION

Memorandum[1]

Berlin, 21 August 1942

Most Urgent (*Citissime*)
Reference: No. 954 of 19 August [1942]

1. The principle of the German Jewish policy after the seizure of power consisted in promoting with all means the Jewish emigration. For this purpose in *1939 Field Marshal Goering* in his capacity as Plenipotentiary for the Four Year Plan established a *Reich Central Office for Jewish Emigration and the direction was given to SS Major General Heydrich* in his capacity as Chief of the Security Police.[2] *The Foreign Office is represented in the committee of the Reich Central Office.* The draft of a letter to this effect to the Chief of the Security Police was approved by the Reich Foreign Minister as 83/24 B in February 1939.

2. The present war gives Germany the opportunity and also the duty of solving the Jewish problem in Europe. *In consideration of the favorable course of the war against France, D III proposed in July 1940 as a solution—the removal of all Jews from Europe* and the demanding of the Island of Madagascar from France as a territory for the reception of the Jews.[3] *The Reich Foreign Minister has basically agreed to the beginning of the preliminary work for the deportation of the Jews from Europe. This should be done in close cooperation with the offices of the Reich Leader SS* (compare D III 200/40).

The Madagascar plan was enthusiastically accepted by the Reich Security Main Office which in the opinion of the Foreign Office is the agency which alone is in the position technically and by experience to carry out a Jewish evacuation on a large scale and to guarantee the supervision of the people evacuated.[4] *The com-*

[1] The italicized portion of this document was underlined by hand on the copy introduced in evidence. The document, one of many related documents found in Foreign Office files, does not indicate to whom it was addressed, or to whom it was circulated.

[2] See Document NG–2586–A, Prosecution Exhibit 1443, reproduced earlier in this section.

[3] See Rademacher's memorandum of 3 July 1940 on "The Jewish Question in the Peace Treaty," Document NG–2586–B, Prosecution Exhibit 1445, reproduced earlier in this section.

[4] This sentence was introduced in evidence as Document Stuckart 638, Stuckart Defense Exhibit 374.

petent agency of the Reich Security Main Office thereupon worked out a plan going into detail for the evacuation of the Jews to Madagascar and for their settlement there. This plan was approved by the Reich Leader SS. SS Major General Heydrich submitted this plan directly to the Reich Foreign Minister in August 1940 (compare D III 2171). *The Madagascar plan in fact has been outdated as the result of the political development.*

The fact that the Fuehrer intends to evacuate all Jews from Europe was communicated to me as early as August 1940 by Ambassador Abetz after an interview with the Fuehrer (compare D III 2298).

Hence the basic *instruction of the* Reich Foreign Minister, to promote the evacuation of the Jews in closest cooperation with the agencies of the Reich Leader SS, is still in force and will therefore be observed by D III.

3. *The administration of the occupied territories brought with it the problem of the treatment of Jews living in these territories.* First, the military commander in France saw himself compelled as the first one to issue on 27 September 1940 a decree on the treatment of the Jews in occupied France.[1] The decree was issued with the agreement of the German Embassy in Paris. The pertinent instruction was issued directly by the Reich Foreign Minister to Ambassador Abetz on the occasion of a verbal report.

After the pattern of the Paris decree similar decrees have been issued in the Netherlands and Belgium. As these decrees, in the same way as German laws concerning Jews, formally embrace all Jews independent of their citizenship, objections were made by foreign powers, among others protest notes by the Embassy of the United States of America, although the military commander in France through internal regulation had ordered that the Jewish measures should not be applied to the citizens of neutral countries.

The Reich Foreign Minister has decided in the case of the American protests that he does not consider it right to have military regulations issued for making an exception of the American Jews. It would be a mistake to reject objections of friendly states (Spain and Hungary) and on the other hand to show weakness toward the Americans.[2] The Reich Foreign Minister considers it necessary to make these instructions to the field commandants retroactive (compare D III 5449).

In accordance with this direction the Jewish measures have been given general application.

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[1] See telegram of Minister Schleier of the German Embassy in Paris to the Foreign Office in Berlin, 9 October 1940, reproduced earlier in this section as item 5 of Document NG-4893, Prosecution Exhibit 1688.

[2] See Rademacher's file note of 19 December 1940, reproduced earlier in this section as item 8 of Document NG-4893, Prosecution Exhibit 1688.

4. *In his letter of 24 June 1940*—Pol XII 136—*SS Major General Heydrich informed the Reich Foreign Minister that the whole problem of the approximately three and a quarter million Jews in the areas under German control can no longer be solved by emigration—a territorial final solution* [*territoriale Endloesung*] *would be necessary.*

In recognition of this Reich Marshal Goering on 31 July 1941 commissioned SS Major General Heydrich to make, in conjunction with the interested German Control agencies, all necessary preparations for a total solution [*Gesamtloesung*] *of the Jewish problem in the German sphere of influence in Europe*[1] (compare D III 709 secret). On the basis of this instruction, SS Major General Heydrich arranged *a conference of all the interested German agencies for 20 January 1942,*[2] at which the State Secretaries were present from the other Ministries and *I myself from the Foreign Office.* In the conference General Heydrich explained that Reich Marshal Goering's assignment to him had been made on the Fuehrer's instruction *and that the Fuehrer instead of the emigration had now authorized the evacuation of the Jews to the East as the solution* (compare page 5 of the enclosure to D III 29/42 Secret). State Secretary Weizsaecker had been informed on the conference;[3] *for the time being the Reich Foreign Minister had not been informed on the conference,* because SS Major General Heydrich agreed to holding a new conference in the near future in which more details of the total solution should be discussed. *This conference has never taken place* due to Major General Heydrich's appointment as acting Reich Protector of Bohemia and Moravia and due to his death.

In the conference on 20 January 1942 I demanded that all questions concerned with countries outside Germany must first have the agreement of the Foreign Office, a demand to which SS Major General Heydrich agreed and also has faithfully complied with, as in fact, the office of the Reich Security Main Office handling Jewish matters has from the beginning carried out all measures in frictionless cooperation with the Foreign Office. The Reich Security Main Office has in this matter proceeded indeed almost over cautiously.

5. *On the basis of the Fuehrer's instruction mentioned under 4* [above], *the evacuation of the Jews from Germany was begun. It was urged that at the same time these Jews should also be*

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[1] See Document NG–2586–E, Prosecution Exhibit 1448, also Stuckart Document 635, Stuckart Defense Exhibit 871, reproduced earlier in this section.

[2] Reference is made to the "Wannsee Conference." Extracts from the minutes of this conference are reproduced earlier in this section (Doc. NG–2586–G, Pros. Ex. 1452).

[3] The defendant von Weizsaecker denied having been informed of the discussion of the "Final Solution" at the Wannsee Conference. See extracts from his testimony reproduced later in this section.

taken who were nationals of the countries which had also undertaken Jewish measures. The Reich Security Main Office accordingly made an inquiry of the Foreign Office. For reasons of courtesy, *inquiry was made by way of the German legations in Bratislava, Zagreb, and Bucharest to the governments there as to whether they wanted to recall their Jews from Germany in due time or to agree to their deportation to the ghettos in the East.* To the issuance of this instruction agreement was given before dispatch by the State Secretary, the Under State Secretary in Charge of the Political Division, the Director of the Division for Economic Policy and the Director of the Legal Division (compare D III 336 Secret).

The German Legation in Bucharest reports with reference to D III 602 Secret, that the Rumanian Government would leave it to the Reich government to deport their Jews along with the German Jews to the ghettos in the East. They are not interested in having the Rumanian Jews return to Rumania.

The Legation in *Zagreb* has informed us that the Croat Government expresses gratitude for the gesture of the German Government; but it would appreciate the deportation of its Jews to the East (compare D III 624 Secret).

The Legation in *Bratislava* reported with reference to D III 661 Secret that the Slovak Government is fundamentally in agreement with the deportation to the eastern ghettos. But the Slovak claims to the property of these Jews should not be endangered.

The wire reports have also been submitted, as customary, to the Reich Foreign Minister's Bureau.

On the basis of the reports of the Ministers I have informed the Reich Security Main Office with reference to D III 661 Secret *that the Jews of Rumania, Croat, and Slovak nationality could also be deported;* their property should be blocked. The Director of the Political Division, Section IV of the Political Division, Section IX of the Legal Division and Section IV of the Division for the Economic Policy have cosigned the document. Accordingly, the deportations of the Jews from the occupied territories was undertaken.

6. *The number of the Jews deported in this way to the East did not suffice to cover the labor needs there. The Reich Security Main Office therefore, acting on the instruction of the Reich Leader SS, aproached the Foreign Office to ask the Slovak Government to make 20,000 young, strong Slovak Jews from Slovakia available for deportation to the East. The German Legation in Bratislava was provided, by D III 874, with proper instruction. The instruction was signed by the State Secretary,* the Under

State Secretary in charge of the Political Division, and Section IV of the Political Division.

The Legation in Bratislava reported re D III 1002 that the Slovak Government has taken up the suggestion eagerly; the preparatory work could be begun.

Following up this pleased concurrence of the Slovak Government, the Reich Leader SS proposed that the rest of the Slovak Jews also be deported to the East *and Slovakia thereby be made free of Jews. The Legation was,* re D III 1559 Ang. II, *provided with proper instruction.* The draft of the instruction was signed by the State Secretary; after its dispatch it was submitted for their information to the bureau of the Reich Foreign Minister and the Under State Secretary in charge of the Political Division.

As the Slovak Episcopacy meanwhile raised objections to the deportation of the Jews before the Slovak Government, the instruction carries the express statement that in no case must there develop internal political difficulties on account of the evacuation of the Jews in Slovakia. *By the telegraphic report,* re D III 2006, *the Legation reported that the Slovak Government, without any German pressure, has declared itself agreeable to the deportation of all Jews* and that the State President agreed personally to the deportation. The telegraphic report was submitted to the bureau of the Reich Foreign Minister. The Slovak Government has furthermore agreed that it will pay as a contribution to the cost entailed RM 500 for every evacuated Jew.

In the meantime 52,000 Jews have been removed from Slovakia. Due to church influences and the corruption of individual officials *35,000 Jews have received a special legitimation.* However, Minister President Tuka wants the Jewish removal continued and therefore has asked for support through diplomatic pressure by the Reich (compare D III 3865). *The Ambassador is authorized* to give this diplomatic help in that *he may state to State President Dr. Tiso that the exclusion of the 35,000 Jews is a surprise in Germany,* the more so since the cooperation of Slovakia up to now in the Jewish problem has been highly appreciated here. This instruction has been cosigned by the Under State Secretary in charge of the Political Division, and the State Secretary.

7. The Croat Government is likewise fundamentally agreeable to the removal of the Jews from Croatia. It especially considers the deportation of the four to five thousand Jews from the Italian occupied Second Zone (centered around Dubrovnik and Mostar) to be important, as they represent a political burden and their elimination would serve the general pacification. The removal can of course take place only with German aid, as difficulties are to be expected from the Italian side. There have been practical

examples of resistance against the Croat measures by Italian officials on behalf of well-to-do Jews. Furthermore, *the Italian Chief of Staff in Mostar has stated that he cannot approve the removal since all the people living in Mostar have been assured of the same treatment.*

Since meanwhile according to a telephone communication from Zagreb, *the Croat Government has given its written approval of the proposed measure, Minister Kasche thinks* it right to begin with the removal, and in fact to begin for the whole country. One could therefore take the risk of having difficulties develop in the course of the action, so far as concerns the zone occupied by Italians.

A report for the Reich Foreign Minister to this effect (D III 562 Secret) has been held up by State Secretary von Weizsaecker since he considered an inquiry should first be made at the Embassy in Rome. The answer has not been received.

The problem of the Italian Jews has come up in the same way in connection with the *evacuation of the Jews in France.*

Ambassador Abetz points out in connection with the deportation *in preparation from the Occupied French Territory* that there was an urgent political interest to take the foreign Jews first in the evacuation measures. Since these Jews were regarded as foreign bodies they were already especially hated and passing them over and giving them thereby a quasi privileging would cause bad feeling, the more so since among them were to be found responsible instigators of Jewish terror and sabotage acts. It was regrettable that the Axis appeared exactly in this point to pursue no uniform policy.

If the evacuation of the foreign Jews were not immediately possible, the Italian Government should be for the time being asked to repatriate their Jews from France.

On the Italian side economic interests appear to play a decisive role. The safeguarding of these interests however is entirely possible, so that on this point there needs to be no obstacle to the planned solution.

On this question of the Italian Jews in France a conference record of 24 July, re D III 562 Secret, has been submitted to the Reich Foreign Minister.

8. *On the occasion of a reception by the Reich Foreign Minister on 26 November 1941 the Bulgarian Foreign Minister Popoff touched on the problem of according like treatment to the Jews of European nationalities* and pointed out the difficulties that the Bulgarians had in the application of their Jewish laws to Jews of foreign nationality.

The Reich Foreign Minister answered that he thought this question brought up by Mr. Popoff not uninteresting. Even now he could say one thing to him, that at the end of this war all Jews would have to leave Europe. This was an unalterable decision of the Fuehrer and also the only way to master this problem, as only a global and comprehensive solution could be applied and individual measures would not help very much. Furthermore, one should not attribute too much worth to the protests on behalf of the Jews of foreign nationality. At any rate, we would not let ourselves be taken in any further by such protests from the American side. *He—the Reich Foreign Minister—would have the problem described by Mr. Popoff investigated by the Foreign Office.*

The Reich Foreign Minister commissioned me to undertake the investigation promised (compare D III 660g).*

I should like to make reference to my basic conference memorandum of 4 December 1941, re D III 660 Secret, which I am dispatching, together with the proper files. This conference memorandum was held up by the State Secretary, because he considered a further examination by the Legal Division first necessary. In their opinion the German-Bulgarian trade and shipping pact was not in agreement with the German-Bulgarian arrangements proposed by me. I therefore notified the German Legation in Sofia, re D III 497 Secret, under date of 19 June, in reference to the suggestion of the Bulgarian *Foreign Minister Popoff at his reception to contact the Bulgarian Government and find out whether it was prepared to come to an agreement in the Jewish problem* that there should be no rights from the trade and shipping pact given effect in favor of the Jews in the promise of reciprocality.

* * * * * * *

The intended deportations are a further step forward on the way of the total solution and are in respect to other countries (Hungary) very important. *The deportation to the Government General is a temporary measure. The Jews will be moved on further to the Occupied Eastern Territories as soon as the technical conditions for it are given.*

I therefore request approval for the continuation of the negotiations and measures under these terms and according to the arrangement made.

Signed: LUTHER

* Document NG–4669, Prosecution Exhibit 1451, reproduced earlier in this section.

TRANSLATION OF DOCUMENT WEIZSAECKER 491
WEIZSAECKER DEFENSE EXHIBIT 480

MEMORANDUM OF LEGATION COUNSELLOR RADEMACHER, 1 SEPTEMBER 1942, TRANSMITTING INFORMATION THAT THE REICH COMMISSIONER IN HOLLAND ABANDONED THE IDEA OF DEPRIVING DUTCH JEWS OF THEIR CITIZENSHIP

Secret

Referent: Legation Counsellor Rademacher

Regarding D III 683 g

According to the attached report* by Minister Bene, the Reich Commissioner [Seyss-Inquart] now has dropped the idea of depriving the Jews of Dutch nationality of their citizenship. Since this matter falls exclusively within the competence of the Reich Commissioner, there is no reason for the Foreign Office to make further investigations.

Referring to memorandum 581 g of 10 August 1942, to be submitted to—

State Secretary von Weizsaecker with the request to take notice [Initial] W [WEIZAECKER].

via

Under State Secretary Luther [Signed] LUTHER 3 September

[Illegible initial]

and

Under State Secretary Woermann [Initial] W [WOERMANN]

[Handwritten] R 96

Berlin, 1 September 1942

[Signed] RADEMACHER

* The enclosure was not part of the exhibit introduced in evidence.

PARTIAL TRANSLATION OF DOCUMENT NG-2631
PROSECUTION EXHIBIT 1684

TWO REPORTS OF BENE, FOREIGN OFFICE REPRESENTATIVE WITH THE REICH COMMISSIONER FOR THE OCCUPIED NETHERLANDS, TO THE FOREIGN OFFICE, 11 SEPTEMBER AND 16 NOVEMBER 1942, CONCERNING PROGRESS IN THE DEPORTATION OF JEWS IN HOLLAND AND RELATED MATTERS

I. Report of 11 September 1942

The Hague, 11 September 1942

[Stamp]
Foreign Office
D III 776 g.
Recd.
Encl. extra copy

The Reich Commissioner
for the Occupied Dutch Territories
The Representative of the Foreign Office
D Pol 3 No. 8
2 extra copies

Subject: Deportation of the Jews.

The latest position shows the following number of Jews so far deported:

To Rauschitz*	15,603	Jews
To Mauthausen	2,000	Jews
Total	17,603	Jews

About 140,000 Jews are still reported to be living in the Netherlands, of whom about 5,000–6,000 crossed the frontier in the course of the years.

About 46,000 are for the time being exempted from deportation, because they live in mixed marriages, work in the armament industry and in the diamond trade or because they are "protected Jews" [Protektionsjuden].

It is estimated that about 25,000 Jews are in hiding inside the Netherlands. The figures scheduled for the shipments have so far been reached. Various measures are in preparation to secure these figures also in future.

[Signed] BENE

* "Rauschitz" is used throughout Bene's reports. It is not known whether he meant "Rauschitz" or "Auschwitz," the largest of the concentration camps. In testifying, the defendant von Weizsaecker assumed that "Auschwitz" was the word here used. See extracts from the testimony of von Weizsaecker reproduced later in this section.

To the Foreign Office in Berlin

[Handwritten notes]

1. Pol IV [Illegible initial] 19 September
2. To the files

[Illegible initial] 18 September

2. Report of 16 November 1942

[Stamp] Foreign Office received 17 November 1942 Vm.

The Hague, 16 November 1942

[Stamp]
Foreign Office
D III 1020 g.
Recd. 17 Nov 1942
Encl. extra copies

The Reich Commissioner for the Occupied Dutch Territories.
The Representative of the Foreign Office
D Pol 3 No. 8/No. 1558
2 extra copies

Subject: Deportation of the Jews

Since my report of 11 September 1942—D Pol 3 No. 8—the deportation of the Jews to camp Rauschwitz has been going on without difficulties and incidents. Up to 15 October about 45,000 Jews have been deported.

According to a directive of the Reich Commissioner, all Jews are to be deported by 1 May 1943. That means, that the weekly deportation figure would have to be raised from 2,000 to 3,500. The deportation of this increased figure offers no difficulties either with regard to the assembling of the Jews here or with regard to actual deportation.

Altogether about 61,000 full Jews must still be deported, 43,000 of whom had so far been exempted from deportation, so that about 18,000 are at present still available for deportation.

The 43,000 exempted Jews are composed of armaments Jews (fur trade, diamond, glass, and radio workers), people of Jewish faith and so-called "protected Jews." A conference with the Wehrmacht Commander in Chief has had the result that a large part of the armament Jews has at once been made available for deportation, whereas the remainder will be made available in the course of the coming months. These armament Jews will mostly be replaced by female Dutch workers.

Until the deadline, 1 January 1941, 1,500 Protestant Jews had been reported. Now the Protestant Church has reported further

3,500 Jews as baptized. Obviously these subsequently baptized Jews cannot be regarded as convinced Christians and cannot be exempted from deportation. They will have to depart like all the others in the course of time.

The Dutch population are used to the deportation of the Jews. They are making no trouble whatsoever. Reports from Rauschwitz camp sound favorable. Therefore the Jews have abandoned their doubts and more or less voluntarily come to the collecting points.

[Signed] BENE

To the Foreign Office
Berlin

TRANSLATION OF DOCUMENT WEIZSAECKER 487
WEIZSAECKER DEFENSE EXHIBIT 444

MEMORANDUM OF DEFENDANT VON WEIZSAECKER TO DEPARTMENT GERMANY, 12 SEPTEMBER 1942, RECOMMENDING THAT THE FOREIGN OFFICE DISINTEREST ITSELF IN ANTI-JEWISH LEGISLATION IN TUNISIA

Berlin, 12 September 1942

Subject: Telegraphic Report Paris No. 4021 [handwritten] enclosed*

I fail to see why we should commit ourselves so heavily in Tunisia, as the Paris Embassy suggests, considering that the Italians lay claim on that country. I am rather of the opinion that we ought to disinterest ourselves in the anti-Jewish legislation in Tunisia.

To Department Germany

[Signed] WEIZSAECKER

[Handwritten note by Luther] Party Member Rademacher please R.

[Signed] LUTHER
12 September

* This enclosure was not part of the original exhibit.

953402—52——17

TRANSLATION OF DOCUMENT WEIZSAECKER 406
WEIZSAECKER DEFENSE EXHIBIT 290

MEMORANDUM FROM DEFENDANT VON WEIZSAECKER TO LUTHER, 16 SEPTEMBER 1942, NOTING THAT FOREIGN OFFICE LACKS BASIC KNOWLEDGE ON LEGISLATIVE MEASURES CONCERNING JEWS AND SHOULD INDICATE IN EACH CASE THAT THE MORE LENIENT SOLUTION IS PREFERABLE FROM THE FOREIGN POLICY POINT OF VIEW*

[Stamp] Top Secret

To D III 67 gRs Berlin, 16 September 1942

Through Under State Secretary Gaus

[Initial] G [GAUS] 16 September

And Under State Secretary Woermann.

[Initial] W [WOERMANN]

16 September

To Under State Secretary Luther.

[Illegible initial]

[Handwritten] Rademacher, according to agreement. [Signed] LUTHER 20 September

It seems to me that the Foreign Office lacks data as well as the basic knowledge necessary to form a competent opinion on the legislative measures* planned in this respect. I think we ought therefore to limit ourselves to the general remark that in each case the more lenient solution is preferable from the foreign policy point of view, in order—

a. Not to give any pretexts to enemy propaganda.

b. To facilitate cooperation of other European States, whose interest is to be gained.

[Signed] WEIZSAECKER

* According to von Weizsaecker's testimony (*Tr. p. 8570*), the "legislative measures" here referred to concern persons of mixed or part Jewish origin. See Rademacher's memo (Doc. NG–2586, Pros. Ex. 1544) reproduced earlier in this section.

TRANSLATION OF DOCUMENT NG–1517
PROSECUTION EXHIBIT 1457

NOTE FROM LUTHER TO DEFENDANT VON WEIZSAECKER, WITH COPIES TO DEFENDANT WOERMANN AND OTHERS, 24 SEPTEMBER 1942, CONCERNING VON RIBBENTROP'S INSTRUCTIONS ON SPEEDING UP EVACUATION OF JEWS FROM EUROPE AND NOTING THAT ALL STEPS TAKEN BY DEPARTMENT GERMANY WILL BE SUBMITTED TO VON WEIZSAECKER FOR APPROVAL

Under State Secretary, D.–No. 6062

[Handwritten] Instructions received

Berlin, 24 September 1942

Secret!

Memorandum

The Reich Foreign Minister has given me instructions today over the telephone to hurry as much as possible the evacuation of Jews from the various countries of Europe, because it is a known fact that the Jews stir up people against us everywhere and that they must be made responsible for attempts of murder and acts of sabotage. Upon a brief report concerning the present stage of evacuation of the Jews from Slovakia, Croatia, Rumania, and the occupied territories, the Reich Foreign Minister has given instructions now to start contacting the governments of Bulgaria, Hungary, and Denmark with the object of starting the evacuation of the Jews from these countries.

With regard to the settlement of the Jewish question in Italy, the Reich Foreign Minister has reserved for himself all steps to be taken. This question shall be discussed personally either between the Fuehrer and the Duce or between the Reich Foreign Minister and Count Ciano.

Herewith to the State Secretary v. Weizsaecker with the request to take notice. All steps taken by us will be submitted to you at the time for your approval.

Original returned.

[Signed] LUTHER

Copies:

Under State Secretary
Political Division [Initial] W [Woermann].
Under State Secretary
Legal Division [Handwritten initials and illegible notes].
Dirigent Trade Policy
D II
D III

Dirigent Pol [Illegible initials] 26/9
Pol IV
Pol X
[Illegible initial] 29/9 [Initial] W 26/9

TRANSLATION OF DOCUMENT NO-724*
PROSECUTION EXHIBIT 1908

LETTER FROM SS BRIGADIER GENERAL FRANK TO THE SS HEADQUARTERS ADMINISTRATION, LUBLIN, AND TO THE CHIEF OF ADMINISTRATION IN THE AUSCHWITZ CONCENTRATION CAMP, 26 SEPTEMBER 1942, CONCERNING THE UTILIZATION AND DISTRIBUTION OF PROPERTY AND PERSONAL EFFECTS OF EVACUATED JEWS

Copy 26 September 1942

Top Secret

6 copies—4th copy

Chief A/Pr./B.
Journ. Nr. 050/42 secr.
VS 96/42

Subject: Utilization of property on the occasion of settlement and evacuation of Jews.

To the Chief of the SS Administration, Lublin.

To the Chief of Administration Concentration Camp Auschwitz.

Without taking into account the over-all regulations which are expected to be issued during October, pertaining to the utilization of mobile and immobile property of the evacuated Jews, the following procedure has to be followed with regard to the property carried by them—property, which will in all orders in the future be called goods originating from thefts, receiving of stolen goods, and hoarded goods:

1. *a.* Cash-money in German Reich Bank notes has to be paid into the account Economic and Administrative Main Office [SS WVHA] 158/1488 with the Reich Bank in Berlin-Schoeneberg.

b. Foreign exchange (coined or uncoined), rare metals, jewelry, precious and semiprecious stones, pearls, gold from teeth, and scrap gold have to be delivered to the SS Economic and Administrative Main Office. The latter is responsible for the immediate delivery to the German Reich Bank.

* Document NO-724 has also been introduced in the Pohl case (Vol. V, this series) as Prosecution Exhibit 472.

c. Watches and clocks of all kinds, alarm clocks, fountain pens, mechanical pencils, hand and electrical razors, pocket knives, scissors, flashlights, wallets, and purses are to be repaired by the Economic and Administrative Main Offices in special repair shops, cleaned, and evaluated, and have to be delivered quickly to front line troops.

Delivery to the troops is on a cash basis through the post exchanges. Three or four price grades are to be set, and it has to be made sure that each officer and man cannot buy more than *one* watch. Exempt from sale are the gold watches, the utilization of which rests with me. The proceeds go to the Reich.

d. Men's underwear and men's clothing including footwear has to be sorted and valued. After covering the needs of the concentration camp inmates and in exceptions for the troops they are to be handed over to the Repatriation Office for Ethnic Germans [Volksdeutsche Mittelstelle]. The proceeds go to the Reich in all cases.

e. Women's clothing and women's underwear including footwear, children's clothing and children's underwear including footwear have to be handed over to the Volksdeutsche Mittelstelle against payment. Underwear of pure silk is to be handed over to the Reich Ministry of Economics according to orders by the SS Economic and Administrative Main Office. This order refers also to underwear under [section] *d.*

f. Featherbeds, quilts, woolen blankets, cloth for suits, shawls, umbrellas, walking sticks, thermos flasks, earflaps, baby carriages, combs, handbags, leather belts, shopping baskets, tobacco pipes, sun glasses, mirrors, table knives, forks and spoons, knapsacks, and suitcases made from leather or artificial material are to be delivered to the Volksdeutsche Mittelstelle. The question of payment will be decided later.

The needs in quilts, woolen blankets, thermos flasks, earflaps, combs, table knives, forks and spoons, and knapsacks can be furnished from Lublin and Auschwitz from these stocks against payment from budget funds.

g. Linen, such as bed sheets, covers for featherbeds, pillows, towels, wiping cloths, tablecloths are to be handed over to the Volksdeutsche Mittelstelle against payment.

Bed sheets, bed linen, towels, wiping cloths, and table cloths can be furnished for the needs of troops from these stocks against payment from budget funds.

h. Spectacles and eyeglasses of every kind are to be handed in to the Medical Office for utilization. (Spectacles with golden frames have to be handed in without glasses together with the rare metals). A settlement of accounts for the spectacles and

eyeglasses need not take place with regard to their low value and their limited use.

i. Valuable furs of all kinds, raw and cured, are to be delivered to the SS WVHA. Ordinary furs (lamb, hare, and rabbit skins) are to be reported to the SS WVHA, Amt B II, and are to be delivered to the clothing plant of the Waffen SS, Ravensbrueck near Fuerstenberg (Mecklenburg).

k. All items mentioned under the letters *d, e, f,* which have only ⅕ or ⅖ of the full value or are useless altogether will be delivered via the SS WVHA to the Reich Ministry for Economics for utilization. For the decision on items which are not mentioned under the letters 1 *b,* application for a decision as to their utilization should be made to the Chief of the WVHA.

2. The SS WVHA will establish all prices under observation of the legally controlled prices. This estimation, however, can be made later on. Petty evaluations which only waste time and personnel may be eliminated.

Average prices for single items have to be established in general. For instance, one pair of used men's trousers 3.0 RM, one woolen blanket 6.0 RM, etc.

For the delivery of useless items to the Reich Ministry for Economics average kilo prices will have to be established.

It has to be strictly observed that the Jewish star is removed from all garments and outer garments which are to be delivered. Furthermore, items which are to be delivered have to be searched for hidden valuables sewn in. This should be carried out with the greatest possible care.

BY ORDER:

[Signed] FRANK

SS Brigadier General and Brigadier General of the Waffen SS

PARTIAL TRANSLATION OF DOCUMENT NG-5086
PROSECUTION EXHIBIT 3592

EXTRACTS FROM MEMORANDUM OF LUTHER, 6 OCTOBER 1942, FOR VON RIBBENTROP THROUGH DEFENDANT VON WEIZSAECKER, INITIALED BY DEFENDANTS VON ERDSMANNSDORFF AND WOERMANN, CONCERNING DISCUSSION WITH MINISTER SZTOJAY ON TREATMENT OF HUNGARIAN JEWS AND PROPOSED DISCUSSIONS TO INDUCE "A FINAL SOLUTION OF THE JEWISH QUESTION" IN ITALY

Under State Secretary D. No. 6932

Berlin, 6 October 1942

Memorandum

On the occasion of his visit on 2 October I had informed the Hungarian Minister that I was willing to discuss once more the question of the treatment of the Hungarian Jews in the occupied territories, in Germany, and in Hungary itself; Sztojay accordingly visited me yesterday. I referred to my conversation with him on 11 August, a copy of which I attach,* and stated the following:

[Handwritten]
Dirigent Pol. Office U. St. Pol. [Initial] E. [Erdmannsdorff] 9/10.

1. *Hungarian Jews in the occupied territories.*—I said that the anxiety concerning the security of the German troops in the occupied territories did not permit us to exclude Jews of any particular nationality from the measures which have been ordered by the military commanders and/or Reich Commissioners (wearing of the Jewish star, internment, and subsequent evacuation). We had therefore recently approached all the governments concerned, and thus also the Hungarian Government, to approve by 31 December 1942, the anti-Jewish measures ordered to deprive the Jews of their nationality by that date. After 31 December 1942 the evacuation of all Jews would otherwise be commenced.

* * * * * * *

2. *Hungarian Jews in Germany.*—I informed Mr. Sztojay that it was now time to include the Hungarian Jews in Germany in the general anti-Jewish measures (marking and subsequent evacuation) since it was really no longer possible for us to evacuate all German Jews and also foreign Jews from Germany for the well known reasons and to leave behind only the Hungarian Jews, who were causing daily provocation, always referring to their Hungarian nationality. I said that we intended to approach his government on this account, with the request that they should

* The enclosure was not a part of the exhibit offered in evidence.

either agree to these measures or take the Jews back to Hungary by 31 December 1942. In view of the property regulations we suggested the "territorial principle," that is, we should retain the property of Hungarian Jews in Germany, and Hungary should retain that of the former Reich German Jews in Hungary. But this matter should be dealt with in a special manner with the Hungarian Government, in the same way as with the other states. Mr. Sztojay immediately raised the question of the treatment of the Italian Jews once more, whereupon I replied that the Italians would be treated in the same way for that reason. Mr. Sztojay said that his government would similarly not make any difficulties in this respect, if the Italian Government would give the same consent with regard to the Italian Jews. It only stressed particularly that Hungary should be treated according to a "most favored nation principle" in the Jewish question.

3. *Treatment of the Jewish question in Hungary.*—I explained to Mr. Sztojay in detail the reasons which are leading us to request the Hungarian Government to urge the regulation of the Jewish question in Hungary itself and to achieve some result as soon as possible. The following measures appear desirable to us:

a. Progressive legislation with the aim of excluding *all* Jews from cultural and political life.

b. Marking of Jews.

c. Expulsion to the East in conjunction with ourselves, with the ultimate object of the final settlement of the Jewish problem in Hungary [Endziel einer restlosen Erledigung der Judenfrage in Ungarn].

Conference with us with respect to the regulation of property of former Reich German and Hungarian Jews with the aim that property is confiscated by the state in whose territory it is situated (territorial principle).

Mr. Sztojay again raised the question, whether we intended to take similar steps toward the Italian Government, to which question I replied in the affirmative. He went on to ask me whether my statements to him could be regarded as an official step made by the German Government to the Hungarian Government. I answered this in the negative as far as points 2 and 3 were concerned. I replied that we should undertake this step by means of Minister von Jagow,* whereupon Mr. Sztojay requested that we state our suggestions and/or wishes if possible before the 18 October, as he was staying in Budapest until then and intended to discuss the whole matter thoroughly with the Prime Minister and if necessary also with the Regent. He had often had such conversations, particularly with the Regent, and we could abso-

* Dietrich von Jagow, German Minister to Hungary.

lutely rely on the fact that the Regent would show the greatest understanding for our wishes on the basis of his experiences with Bela Kun in 1919. Hungary had had to suffer particularly heavily under the Jews, and it was unfortunately a definite fact that, in view of Galicia's proximity to Hungary, the Jews had settled in Hungary in enormous numbers and had obtained to a particularly large degree influential positions in all the important branches of industry.

* * * * * * *

From his previous conversations he knows that the Prime Minister is especially interested in the question of whether any possibilities of a livelihood would exist in the East for the Jews after their evacuation. Many rumors were being circulated in this connection, which he personally, of course, did not believe, but Prime Minister Kallay was somewhat uneasy about them. He said he did not wish to reproach himself with having exposed the Hungarian Jews to misery or worse after their evacuation. He was visibly calmed by my reply that all evacuated Jews, and thus also the Hungarian Jews in the East, were employed first in road construction work and would later be accommodated in a ghetto. He said that this information would have a particularly calming and encouraging effect on the Prime Minister. I reminded Mr. Sztojay of the statements of Prime Minister Kallay concerning the Jewish question on the occasion of his inaugural address in Parliament. These statements had shown that Prime Minister Kallay had a particular understanding of the settlement of the Jewish question as we planned it and was apparently also prepared to solve this problem as soon as possible with regard to Hungary. When he left, Mr. Sztojay told me emphatically that he welcomed our suggestions especially, since he had seen, not only in Hungary, but above all in Germany, what a terribly undermining influence the Jews had everywhere. I request the Reich Foreign Minister to authorize me to send the directives mentioned under 2 and 3 to Minister von Jagow. It seems to me particularly important for us to induce the Italian Government to bring about a Final Solution [endgueltigen Loesung] to the Jewish question also on their part. This matter will presumably be discussed by the Reich Foreign Minister with Count Ciano personally.

In the next few days I will submit a memorandum concerning the state of the Jewish question and the suggestions and/or wishes which it would be expedient for us to make to the Italian Government.

[Signed] LUTHER

For Submission to The Reich Foreign Minister via State Secretary

Copies to:
Under State Secretary, Political Division
[Initial] W [WOERMANN]
Director, Trade Policy Division
Pol IV
D III

TRANSLATION OF DOCUMENT NG–5085
PROSECUTION EXHIBIT 3593

MEMORANDUM OF DEFENDANT VON WEIZSAECKER TO VON RIBBENTROP, DEFENDANT WOERMANN, LUTHER, AND OTHERS, 14 OCTOBER 1942, CONCERNING HIS DISCUSSION OF THE JEWISH PROBLEM WITH HUNGARIAN MINISTER SZTOJAY

Berlin, 14 October 1942

State Secretary No. 612

Today I received the *Hungarian Minister to discuss* with him, at the order of the Reich Minister of Foreign Affairs, the *Jewish problem.* I ascertained that the Minister was informed as per memorandum of the Under State Secretary D. No. 6932.* I again impressed the subject on him as per cable decree No. 1283 of the special train, reminding Sztojay of the comment of the Reich Minister for Foreign Affairs that the recent air raids on Budapest have given another proof of how strongly the Jews there contributed to spreading panic in Hungary.

The Minister in turn is going to bring the subject up for discussion on his next visit to Budapest and to contribute to the realization of our wishes. He asked me whether he could act on the assumption, that when he arrived in Budapest, Minister von Jagow would already have carried out the relative instruction given him. I reassured him in this respect.

[Signed] WEIZSAECKER

Reich Minister for Foreign Affairs
Under State Secretary Pol. [Chief of Political Division]
[Initial] W [Woermann]
Dg. Pol. [Deputy Chief of Political Division]
Under State Secretary Department Germany

Please make sure that Minister von Jagow calls at the Budapest Foreign Ministry as per his instructions prior to Sztojay's arrival there. It would appear that Sztojay will stay on in Berlin till Wednesday next.

* Luther's memorandum of 6 October 1942, Document NG–5086, Prosecution Exhibit 3592, reproduced in part immediately above.

PARTIAL TRANSLATION OF DOCUMENT NG–5562
PROSECUTION EXHIBIT C–284

TELEGRAM FROM LUTHER TO THE GERMAN LEGATION IN BUDAPEST, 16 OCTOBER 1942, SUMMARIZING THE CONTENTS OF DEFENDANT VON WEIZSAECKER'S CONFERENCE WITH HUNGARIAN MINISTER SZTOJAY

Berlin, 16 Oct 1942 File Ref. D III 893 Secret

Standard telegram form: Diplogerma

The German Legation, Budapest, No. 2494

Referent: Under State Secretary Luther
Legation Councillor Klingenfuss

Subject: Jewish question in Hungary

Following the telegraphic instruction dated 14 October D III 872 g II, State Secretary von Weizsaecker received the Hungarian Minister in order to discuss the Jewish problem with him according to instructions of the Reich Foreign Minister. The State Secretary once more emphasized the matter along the lines of the instructions received there, referred to the importance of the Hungarian Government approving of the Jews being deported to the East, recalling remarks made by the Reich Foreign Minister, that the recent air raids on Budapest had once more shown to what degree the Jews were contributing toward creating a panic in Hungary.

The Minister agreed also for his part to discuss the subject in Hungary and to contribute to the realization of our wishes. The State Secretary promised that a corresponding step would be taken even before his arrival, that is at once.

[Handwritten notes] 16 October, Thomas.

[Signed] LUTHER
16 October
[Illegible initial]
16 October

TRANSLATION OF DOCUMENT NG-5728
PROSECUTION EXHIBIT 3766

MEMORANDUM FROM DEFENDANT VON WEIZSAECKER TO VON RIBBENTROP, DEFENDANT WOERMANN AND OTHERS, 20 OCTOBER 1942, CONCERNING A LONG DISCUSSION WITH HUNGARIAN MINISTER SZTOJAY ON THE NATURE OF HUNGARY'S COOPERATION WITH GERMANY, HUNGARY'S TREATMENT OF THE JEWISH QUESTION, AND OTHER MATTERS

Berlin, 20 October 1942

State Secretary No. 619

I had the Hungarian Minister visiting me today for a long discussion. The discussion took place in my apartment and its character was entirely private. Mr. Sztojay had suggested it.

Shortly after the celebration of the Tripartite Pact, Minister Sztojay reported a remark of the Reich Foreign Minister to Budapest, which allegedly took exception to the treatment of the ethnic groups in Hungary. This remark supposedly caused quite some sensation in Hungary and, together with some other observations which were supposedly made in Budapest, had led to discussions as to whether everything was all right with the present relations between Germany and Hungary. There are some people who say that Hungary is not cooperating whole-heartedly and using all its efforts for the common cause.

I answered the questions of Minister Sztojay very frankly: I was going to take the point of view of a completely unbiased observer who had nothing to do with our mutual relations. From this point of view I wanted to state first, that it was not even possible for the relations between Germany and Hungary to undergo any serious disturbance. Everybody who knows recent Hungarian history knows that the fate of Hungary is linked with that of Germany; if Germany fares badly, Hungary will fare badly, too. If things were improving in Germany, Hungary would always profit, as was proved especially by the last years. Any unpleasant Hungarian individuals who think they can afford partly or entirely to be on the other side—I mentioned the name of Tibor von Eckart—could not change this picture, because it would only be a bad deal for Hungary if it associated with our opponents. For this reason I did not have to name the individual links and assets of our mutual relationship.

With regard to its liabilities I could not help but mention the following points to Minister Sztojay.

The constant appeal to Hungary's greatness under the Crown of St. Stephen could naturally be matched by similar claims of

other countries if they were going to look back a thousand years or more.

Hungary's social system of classes appears out-moded in other countries with social progress, for example, in Germany.

The way Hungary treated the Jewish problem has so far not been in accordance with our principles.

People in Germany learn that the Rumanians are now using all their efforts in combatting bolshevism, whereas Hungary is holding back part of its forces for an eventual conflict with Rumania.

The Germans consider Hungary most egotistic in its treatment of alien ethnic groups.

I elaborated somewhat more on these remarks when talking to Mr. Sztojay than I am doing here; I discussed the subjects in a friendly and complaisant way so that Mr. Sztojay took it well. His statements with regard to the aforementioned points are worth noting only in so far as the Minister expressly admitted that the Slovakian and Rumanian ethnic groups in Hungary were actually treated worse than the German ethnic group. With regard to the latter the provisions of the treaty are strictly enforced. The Minister asked me to report this to the Reich Foreign Minister in view of his recent criticism.

For the rest Sztojay thanked me for my deliberations. He is going to Budapest within a few days.

Signed: WEIZSAECKER

To:

Reich Foreign Minister

Under State Secretary, Political Division [defendant Woermann]

Dirigent, Political Division

Under State Secretary Luther

TRANSLATION OF DOCUMENT WEIZSAECKER 492-B
WEIZSAECKER DEFENSE EXHIBIT 448*

DRAFT OF LETTER FROM LUTHER TO THE CHIEF OF THE SECURITY POLICE AND SD, 8 DECEMBER 1942, REQUESTING THAT ALL LETTERS DESIGNATED FOR THE FOREIGN OFFICE BE ADDRESSED TO DEPARTMENT GERMANY II

Foreign Office — Berlin W 8, 8 December 1942
Department II 6849 Ang. I — Wilhelmstrasse 74–76
Subject: Addressing of letters from the Chief of the Security Police and SS designated for the Foreign Office

[Crossed out] By order of Under State Secretary Luther

I ask herewith that all letters from the Chief of the Security Police and SD designated for the Foreign Office be sent to the following address:

Foreign Office, Referat D II,
Attention: Vice Consul Geiger or Deputy
Berlin W 35
Rauchstrasse 27

[Handwritten] To Personnel. To the files.

As was already expressed in the letter of 18 August 1942—D II 4110—this will also apply to all secret matters (top secret and secret) which were addressed so far alternately to the address of "Foreign Office, Attention: Legation Counsellor Kramarz" or "Hofrat Schimpke," and the uniform reception of which under the address of Department D II (attention of Vice Consul Geiger) is necessitated in the interest of correct treatment on the part of the Foreign Office.

Please be kind enough to see to it that a respective regulation is issued effective within the entire jurisdiction of the Chief of the Security Police and SD.

BY ORDER:

[Signed] LUTHER
12 December
[Handwritten] R 50

To the Chief of the Security Police and SD, Amt IV,
Attention of SS Major General Mueller
Berlin SW 11
Prinz-Albrechtstr. 8.

* This exhibit, as introduced in evidence by the defense, had two parts. The first part (Doc. 492-A), a note of 16 August 1941 pertaining to the same general subject, has been reproduced earlier in this section.

PARTIAL TRANSLATION OF DOCUMENT NG–5369
PROSECUTION EXHIBIT 3920

EXTRACTS FROM THE MINUTES OF A CONFERENCE IN THE REICH MINISTRY OF FINANCE ON 11 AND 12 DECEMBER 1942, CONCERNING THE SEIZURE, ADMINISTRATION, AND UTILIZATION OF JEWISH PROPERTY IN THE WEST

Minutes of a conference on 11 and 12 December 1942 in the Reich Ministry of Finance

Present:

Kriegsverwaltungsrat [KVR] Pichier	Military Commander for Belgium and Northern France
Kriegsverwaltungsrat Ziehr	Military Commander France
Oberkriegsverwaltungsrat [OKVR] Teichmann	Military Government Area Headquarters, Lille, France
Ministerialrat Dr. Maedel Regierungsrat Dr. Schwarzat Amtsrat Witzschel	Reich Ministry of France

The subject under discussion was the question of seizure, administration, and utilization of Jewish property both now and in the future in the zones of command of the military commanders in Belgium, Northern France, and France. KVR Pichier stated that the recently set up Brussels Trustee Company [Bruesseler Treuhandgesellschaft] had proved very useful. The enclosed decree draft illustrated the customary confiscation procedure in his area of command. In general the establishment of the citizenship of the Jews concerned was the only difficulty encountered thus far. He went on to say that many reports had been received of assets belonging to Jews who emigrated or fled from Belgium, and no details other than the name were available. KVR Pichier intends to compile lists of the names of these doubtful cases and to send these lists to the Senior Finance President Berlin-Brandenburg. On the basis of his central file, the Senior Finance President is to investigate whether the Jews named on these lists have been dealt with by him. KVR Pichier hopes that this will settle a number of doubtful or duplicated cases. He considers it advisable that the Senior Finance Presidents, regardless of his own steps, should compile lists based on data available to them of Jews emigrated from their districts,

which lists should be sent to the military commanders. This procedure would probably also help to cut down the number of doubtful cases.

* * * * * * *

Real estate is hard to sell. The Belgian population is disinclined to buy, from the military commander, real estate formerly owned by Jews. In order to be able to sell real estate at all, it is frequently being exempted from confiscation. In these cases, the Brussels Trustee Company appears outwardly as trustee for the Jewish owner and sells on behalf of the Jew. The proceeds are then confiscated.

* * * * * * *

Objects of rare metals are to be smelted for the production of raw materials and for purposes of military economy. Procedure is the same as in the Reich.

Considerable quantities of uncut diamonds and diamond jewelry have been found. Sales are being effected with discretion. Small quantities of diamond jewelry have occasionally been sold for hard currency, in the south of France. Details are to be submitted at a later date. Small quantities of uncut diamonds have been handed over to the Reich Office for the manufacture of various commodities.

Furniture and other equipment.—Immediately after deportation of the former owner, the apartments of Jews were inspected and evaluated by an agent from the Brussels Trustee Company. Art treasures were placed at the disposal of German Red Cross Senior Field Director [DRK-Oberfeldfuehrer] von Behr, Chief of the Einsatzstab Rosenberg in Paris. They are to be sold in the Reich at a later date. Particularly valuable furniture and carpets are for the time being to be put into safekeeping. Sometimes, the Brussels Trustee Company has taken over some articles from the apartments in order to pay rents which have become due. The Wehrmacht administrator wishes to acquire these articles for the use of the staff troops in the East. In this connection, KVR Ziehr stated that in France, it had not been possible to sort the articles because the apartments were being evacuated at great speed. Moreover, he said, the work in the command area of France was in its first stages since the implementation regulations for the 11th decree to the Reich Citizen Law* had been released only a few days ago.

* * * * * * *

Concerning the suggestion made at the conference of 1 June 1942 (0 5210 Fr 1 VI) to the effect that small assets up to 3,000

* Document NG–2499, Prosecution Exhibit 1536, reproduced in part earlier in this section.

RM should be exempt from confiscation, it was unanimously agreed that no general minimum could be fixed. The question whether the exemption of small assets is advisable must be decided from case to case. KVR Ziehr stated this procedure was already being adopted, and that easily utilized assets (bank notes, cash, etc.) are being confiscated, irrespective of the amounts involved.

[Stamp]

Ministerial Office II
No. 49666
Drawn up on 24 December
[Illegible initials]
Read 24
[Illegible initials]

Received, Berlin 19 December 1942
23 December 1942
Dispatched 28 December
[Illegible initials]

PARTIAL TRANSLATION OF DOCUMENT NO–1128 PROSECUTION EXHIBIT 2370

51ST REPORT OF HIMMLER TO HITLER, 29 DECEMBER 1942, CONCERNING "RESULTS IN COMBATTING PARTISANS FROM 1 SEPTEMBER TO 1 DECEMBER 1942," CONTAINING STATISTICS SHOWING THE EXECUTION OF OVER 300,000 PEOPLE, THE CAPTURE OF WEAPONS AND AMMUNITION, VILLAGES SEARCHED OR BURNED DOWN, GERMAN CASUALTIES, AND RELATED MATTERS*

Submitted 31 December 1942
[Initial] A.
Headquarters 29 December 1942

The Reich Leader SS
Subject: Reports to the Fuehrer concerning the combatting of Guerrillas.

4 fr.

Report No. 51
Southern Russia, Ukraine, Bialystok.
Results in combatting Guerrillas from 1 September to 1 December 1942.

1. *Bandits.*
   a. Counted dead after engagements (x).

August	*September*	*October*	*November*	*Total*
227	381	427	302	1337

* Another item of Document NO–1128, not reproduced herein, showed that the figures in this report were derived from a report to Himmler from the Higher SS and Police Leader for Southern Russia, the Ukraine, and Northeast Russia.

953402—52——18

b. Prisoners executed immediately.

125	282	87	243	737

c. Prisoners executed after lengthy and thorough interrogation.

2100	1400	1596	2731	7828 [sic]

2. *Accomplices of guerrilla and guerrilla suspects.*

a. Arrested.

1343	3078	8337	3795	16553

b. Executed.

1198	3020	6333	3706	14257

c. Jews executed.

31,246	165,282	95,735	70,948	363,211

3. *Deserters owing to German propaganda.*

21	14	42	63	140

(x) As the Russians remove their dead or rather, bury them immediately, the figures quoted can be regarded as considerably higher, also, according to statements made by the prisoners.

4. *Weapons captured or destroyed.*

a. Heavy mortars, guns etc.

August	*September*	*October*	*November*	*Total*
8	10	21	16	55

b. Automatic weapons.

33	51	53	37	174

c. Other small arms.

482	654	560	207	1903

5. *Ammunition.*

a. Various kinds.

524467	531403	551612	9165	1616647

b. Hand grenades.

1049	1296	1225	1181	4751

c. Mines.

20	21	46	216	303

d. Explosive (kilo).

2	235	570	409	1216

6. *Radio sets captured or destroyed.*

August	*September*	*October*	*November*	*Total*
6	2	3	5	16

7. *Captured cattle and implements.*

a. Cattle, cows and oxen 3442
pigs 2869
sheep 2930

horses	486
calves	65
b. Cereal.	1600 cwt.
c. Linseed.	48 cwt.
d. Implements [equipment].	1 surgical kit
	2 radio sets
	2 bicycles
	12 fodder machines
	200 farming implements (spades, shovels, saws).

8. *Engagements.*

August	*September*	*October*	*November*	*Total*
83	106	108	150	447

9. *Guerrilla camps destroyed.*

15	24	143	103	285

10. *Villages and localities.*

a. Searched and combed.

223	481	625	387	1716

b. Burned down or destroyed.

35	12	20	92	159

11. *Single farms.*

a. Searched.

1026	1040	1376	386	3828

b. Burned down.

257	621	312	788	1978

12. *Own casualties.*

(1) SS Regular and Security Police.

a. Dead.

43	16	24	91	174

b. Wounded.

16	5	16	95	132

c. Missing.

2	3	3	5	13

(2) Indigenous Security Units [Schutzmannschaft].

a. Dead.

67	67	58	93	285

b. Wounded.

34	33	17	43	127

c. Missing.

16	10	39	68	133

13. *Raids.*

August	*September*	*October*	*November*	*Total*
153	171	168	191	683

14. *Destroyed property.*

a. Estates belonging to the state and others.

18	64	21	10	113

b. Saw mills and forest service stations.

9	7	6	8	30

c. Industrial plants.

6	13	11	5	35

d. Other property.

18	57	15	20	110

15. *Acts of sabotage.*

a. Railroads.

44	59	86	73	262

b. Bridges.

15	8	9	22	54

c. Communication stations.

11	13	12	18	54

d. Others.

8	15	9	8	40

[Signed] H. HIMMLER

PARTIAL TRANSLATION OF DOCUMENT NO–4404
PROSECUTION EXHIBIT 3504

EXTRACT FROM THE SS GUIDANCE PAMPHLET* FOR JANUARY 1943, ISSUED BY THE SS MAIN OFFICE, REPRODUCING AN EXTRACT FROM A LETTER OF A DECEASED SS LIEUTENANT ON THE EXECUTION OF TWO RUSSIAN PRISONERS OF WAR

SS GUIDANCE PAMPHLET [SS LEITHEFT]
9th Year, No. 1 January 1943

* * * * * * *

From the letter of an SS Lieutenant who was killed in the Eastern campaign:

9 November 1941

"Dear Else,

* * * * * * *

"Together with three other soldiers I received [the] order tonight to shoot two members of the Red Army, so that they cannot be of danger to us anymore. They were ragged and apathetic, just like animals. I give a spade to each of them, and they begin to dig their own grave, and I light a cigarette in order to calm down. There is no sound—Russians have no souls, they are animals, they became animals during the past years. They don't beg for their lives, they don't laugh, they don't cry—three guns are pointed at them. All of a sudden one of them starts to run, but he does not get far, 20 meters and he is dead. The other does not move, he steps into his hole, and then he is dead too. Two minutes later the earth covers everything,—and we light another cigarette."

* * * * * * *

* The inside of the cover page of this pamphlet states: "Publisher: The Reich Leader SS, SS Main Office Berlin 35, Luetzowstrasse 48/49." The document also shows that defendant Berger, Chief of the SS Main Office, also wrote an article for this issue entitled: "To the 30th of January 1943." Defendant Berger testified that "at the end" about 450,000 copies monthly of the "SS Guidance Pamphlets" were circulated. See extracts from the testimony of defendant Berger reproduced later in this section.

PARTIAL TRANSLATION OF DOCUMENT NO-2501
PROSECUTION EXHIBIT 2353

EXTRACTS FROM THE SS PAMPHLET "SAFEGUARDING EUROPE"

SAFEGUARDING EUROPE

The Reich Leader SS, SS Main Office*

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III. The Foundation of the Russian Empire and Its Consequences for Europe—Turks and Jewry Menace Europe.

IV. The First Signs of a Threat to Europe by the Russian Empire. The First attempts of the Czar to Exercise Influence on the Destiny of Europe.

V. The Development of Parties and Intellectual Influences in the Russian Empire Destroys the last Germanic Influences in the East of Europe and Creates the Basis for the Threat to Europe in the 20th Century.

VI. The Contrasts between the European Powers in the 19th Century Prevent a Clear Attitude Toward the Eastern Problem and Cause a Stronger Influence of the Czar on the Fate of Europe.

VII. The Security of Europe Established by Bismarck.

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IX. Germany Repulses the Danger Coming from the East during World War, 1914–1918.

X. Bolshevism Interferes in Domestic Politics of the European States. Concerning Foreign Politics, Stalin Continues the Policies of the Czar.

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* The title page states at the bottom: "Edited and published by the Reich Leader SS, SS Main Office."

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Chapter III: The foundation of the Russian Empire and its consequences for Europe—Turks and Jewry are menacing Europe (p. 22). The Varangians conquer eastern Europe (p. 22). The expansion of Greek-Orthodox Christianity in eastern Europe separates the Russian Empire from Europe (p. 25). The Mongolian onslaught destroys the Germanic wall between River Dnepr and River Volga (p. 27). The Turkish danger threatens Central Europe from the southeast (p. 28). Jewry gains power in Europe and extends to the East (p. 28).

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XI. National Socialist Germany Takes Over Again the Historical Task of Securing Europe Against the East.

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The thought of safeguarding German and European territories against the dangers threatening from the East has run like a red thread through the Fuehrer's active policy ever since he took over the government.

* * * * * * *

Safeguarding of Europe! Europe is safeguarded but limited too, in the North, West, and South by military geographical conditions. From these directions no people was ever able to conquer and keep for long essential parts of the European soil. In the East, however, Europe lacks all natural protection; streams of foreign blood were flowing into the European space from the East through the Caspian plain. Thousands and thousands of Germanic families were annihilated in this eastern area because the motherland was not able or not willing to protect them. From now on Germany will no more abandon the safeguarding of Europe neither racially nor politically, neither in a military nor in an economic sense. The most valuable human races of Europe shall never again be spoiled by alien blood and ideologies of alien races. German energy will take care that all the sword has won will never again be lost in times of peace. For the accomplishment of this task, however, a saying of the Reichsfuehrer SS has to become true.

"It is our task not to Germanize the East in the old meaning that is to bring the German language and German laws to the people living there, but to take care that only people of genuine German, Germanic blood are living in the East."

PARTIAL TRANSLATION OF DOCUMENT NG-4715
PROSECUTION EXHIBIT 1264

EXTRACTS FROM THE "PERIODICAL SERVICE" OF 5 FEBRUARY 1943, CONCERNING PRESS DIRECTIVES FOR THE HANDLING OF MATTERS PERTAINING TO JEWS AND NOTING THAT "REFERENCE CAN BE MADE TO HITLER'S WORDS THAT AT THE END OF THIS WAR THERE WILL BE ONLY SURVIVORS AND ANNIHILATED"*

Strictly confidential

Not for publication

Periodical Service

5 February 1943

196/65 Edition No. 8312–8351

* * * * * * *

Current Topics 8314

If the Jew comes into power

The Periodical Service [Zeitschriften-Dienst] has already referred several times to the necessity for rousing all power to resist in the German people. The "German Weekly Report" [Deutsche Wochendienst] shows what has happened to those nations which have become the victims of Judaism. In this connection reference can be made to Hitler's words, that at the end of this war there will be only survivors and annihilated. In pointing to the firm intention of Judaism to destroy all Germans, the will for self-assertion must be strengthened. It would be wrong, of course, when describing the seriousness of the situation to paint it unnecessarily black or to over estimate the power of Judaism. Political-religious controversies concerning the relationship between Jews and Christians are also out of place. The "Deutsche Wochendienst" acts as an agency for the distribution to the editors of extensive working material and many suggestions for subject matter.

Europe protects herself against the Jews

The declaration of war by the Jews against the European nations resulted in energetic measures being taken against the Jews, not only in Germany but also in many other European states. The "Deutsche Wochendienst" recommends the periodicals to issue comprehensive descriptions and in this connection furnishes material and suggestions for subject matter. It must be pointed out in the articles that, as a result of their racial composition, the

* As a defense document, the table of contents to this entire issue of the Periodical Service was offered in evidence. See Document Dietrich 260, Dietrich Defense Exhibit 260, reproduced immediately below.

Jews are hostile to anything constructive and any peaceful community life. For reasons of self-preservation, the nations must protect themselves against the Jewish destructive forces. The present war, which was started by the representatives of world Judaism, shows how strong these are. The victory of Germany and her Allies will at the same time be a victory over world Judaism and will secure the conditions necessary for a more peaceful future. Let us avoid any criticism of the measures taken against the Jews by individual countries, and comments on their suitability and the extent to which they can be put into practical effect.

* * * * * * *

TRANSLATION OF DOCUMENT DIETRICH 260
DIETRICH DEFENSE EXHIBIT 260

TABLE OF CONTENTS FOR THE "PERIODICAL SERVICE" OF 5 FEBRUARY 1943, AND DESCRIPTION OF THE EDITOR AND PUBLISHER

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* The first two summaries concerning press directives from this issue of the "Periodical Service" for 5 February 1943 are reproduced immediately above, Document NG-4715, Prosecution Exhibit 1264.

Editor in chief: Dr. Kurt Lothar Tank, Berlin. Deputy; Heinrich Bertsch, Berlin. (Letters and inquiries of an editorial nature to be addressed only to the editors of the Zeitschriftendienst, Berlin NW 7 Schiffbauerdamm 19, Telephone: 42 50 31). Publishers and Distributors: Publishing house Presse-Bericht G.m.b.H., Berlin SW 68, Wilhelmstr. 107, Telephone 11 17 85. Postal Checking Account Berlin 20828, (Zeitschriftendienst/Deutscher Wochendienst) Printed Auslandsdruckerei G.m.b.H., Berlin SW. 68

TRANSLATION OF DOCUMENT NO–2053
PROSECUTION EXHIBIT 2339

LETTER FROM DEFENDANT BERGER TO HIMMLER, 10 FEBRUARY 1943, URGING GREATER IDEOLOGICAL TRAINING OF SS TROOPS AND SUBMITTING DRAFT OF A HIMMLER ORDER CHARGING BERGER WITH THE RESPONSIBILITY FOR SUCH IDEOLOGICAL TRAINING

The Reich Leader SS
Chief of the SS Main Office

Berlin W 35, 10 February 1943
Luetzowstrasse 48/49
Post Office Box 43

Chief of the SS Main Office
Be/Vo. VS-diary No. 897/43 Secret
C.Adj. VS-diary No. 366/43 Secret

[Stamp]
Personal Staff Reich Leader SS
Administration for documents
Ref. No. Secret 171/25

When answering please give above references and dates.

Secret

[Initials] H. H. [HEINRICH HIMMLER]

Subject: Ideological training of Troops
Enclosure: 1
To the Reich Leader SS and Chief of the German Police
Field Command Office

Reich Leader!

I have learned that up to quite recently the Russians in all reserve units are giving 8 hours of political training weekly, in the hours of the early morning.

Neglect or insufficient knowledge are punished with fatigue-duty, arrest, and finally by being detained by the GPU. Even in the front line the political training does not stop.

This was one of the reasons why the Russians, from the beginning, regarded the war as a total war and behaved correspondingly, just as they have consistently looked upon this war as an ideological war, and inspired the Russian soldier with this unheard of will of resistance by fanatic hate, by Jewish methods of misrepresentation, lies, and phrases.

I therefore request, all the more so since the end of the war cannot be awaited and since we now have a great many young volunteers whose education in their parent's home failed completely and whose relatives often do not believe in national socialism, that every means is used to introduce and to order, as part of the training plan, the ideological and political schooling of the Waffen SS; that furthermore the ideological training is assigned *that* place which is due it within the framework of over-all training. May I submit the enclosed order and may I add that we are going to change training within the next 3 weeks so far as we will publish the pamphlet "Fight the Bolshevist" (not bolshevism) as, if I may say so, a "negative" literature and "heroism" as a "positive" one. For the latter we shall take examples from our history, which in short stories and easily readable to the ordinary man, will be compiled in certain chapters for practical application.

[Signed] G. BERGER
SS Gruppenfuehrer

[Stamp]

The Reich Leader SS

Personal Staff Reich Leader SS
Administration for documents
Ref. No.: Secret /171/25
Fuehrer Headquarters, d.

Subject: Ideological education and cultural care for the SS

(1) The Chief of the SS Main Office is responsible to me for the whole ideological education and cultural care of the SS—the General SS, the Waffen SS, the Security Police, and the Uniformed Police.

(2) The planning, the carrying out, and the supervision of ideological education and cultural care of the SS, the training of suitable SS leaders and men in charge of the ideological training of individual SS units, and procurement as well as use of material for training and care is the responsibility of Department IV—Department for Ideological Education—in the SS Main Office.

(3) The detachments set up for the ideological education and cultural care (welfare of troops) for the General SS, the Waffen

SS, the Security Police, and the Uniformed Police, with individual main offices, in main sectors, and sectors with divisions and regiments, etc., are subordinated to the SS Main Office as far as technical and personnel matters are concerned, and to Chiefs of the Main Offices at the time, and to Commanders, etc., with respect to disciplinary matters.

(4) The Chief of the SS Main Office in his capacity as "Inspector for Ideological Education" is delegated by me to carry out inspections in the individual SS units—that is the General SS, the Waffen SS, the Security Police, and the Uniformed Police. The Chiefs of the Main Offices and Commanders, etc., are to be informed prior to inspections.

(5) The provisions necessary for the implementation of this order will be issued by the Chief of the SS Main Office.*

TRANSLATION OF DOCUMENT NO-031
PROSECUTION EXHIBIT 1109

LETTER FROM DEFENDANT BERGER TO HIMMLER, 9 MARCH 1943, CONCERNING DEVELOPMENTS IN THE SS AND THE NATIONAL SOCIALIST MOVEMENT, BERGER'S DUAL POSITION AS CHIEF OF THE SS MAIN OFFICE AND STATE SECRETARY IN THE EAST MINISTRY, BERGER'S LOYALTY TO HIMMLER, AND RELATED MATTERS

Berlin-Charlottenburg
An der Heerstrasse 95
9 March 1943

Reich Leader: [Initials] H. H. [HEINRICH HIMMLER]

In our human life it often happens that for years nothing special takes place and that then great and important events follow one after the other in a matter of days and hours. Thus, my last report at the field headquarters of the Reich Leader SS was for me personally one of the most decisive events of my life. First of all, because my Reich Leader took me into his confidence and told me personal things, which one does only if the visor has been opened in every respect and one knows that the person to whom one is speaking will honor this confidence and will, as far as possible, try to repay it by redoubled industry.

Reich Leader, if I have written by typewriter what is on my mind instead of writing it by hand, I do so only in order that it may be easier to read.

In recent days and weeks you have experienced a great personal disappointment. This matter was not entirely unexpected

* Defendant Berger testified that Himmler never signed this proposed order. See extracts from Berger's testimony reproduced later in this section.

on my part. You approach everyone, Reich Leader, with enormous confidence and in your own goodness often overlook the fact that not everyone is worthy of this confidence, that such great confidence imposes strong obligations on the individual, which not everyone is capable of taking upon himself.

We are living in very wild and stormy times. Our forefathers were better off, as far as the officers' corps was concerned. The old saying of the Huguenot and refugee nobility, who were largely of high-bred Germanic blood, was—

*"Mon âme à Dieu, mon épée au Roi, mon coeur aux dames."** (Old French)

That was really easy, for it was a clear separation, a clear delimitation of competency. Now, national socialism demands everything, the soul, the sword, and the heart for the idea.

victory. As in a tropical jungle after the rainy season, every- time to prove ourselves. This change, Reich Leader—one must gree of self-observation, self-control, personal criticism. It is thing grew, the sap rose into the leaves. And now comes the time of deepest humiliation, there has now come the ideal for be very just here—demands of the individual an enormous de-

After a brief period of transition, which was simultaneously a obvious that one cannot ask that of everyone. One should, of course, be able to ask that a person who is one of the confidants of the Reich Leader SS should now learn something and take something over from the Reach Leader SS personally.

The subordination of one's own person, work for the cause, must be all the more clear to everyone that every single one of us is, or can become, a historical personality in some form or other, like the generals of Frederick the Great.

These little (seen from the standpoint of the whole) personal disappointments, Reich Leader, must, however, not be permitted to change your goodness and the path you have followed up to now. I can assure you most emphatically that there are thousands and tens of thousands of old, and particularly of young, SS-men who are touchingly devoted and loyal to you and who are at all times prepared not only to risk and to give their lives for your principles and orders, but also, which is often much more difficult, to live according to them.

May I say one more thing. I am not one of those people who wear their heart on their sleeve. In personal matters I am always terribly clumsy and awkward; I am just as clumsy when such personal matters are discussed with the Reich Leader as I am otherwise skillful in taking care of my Reich Leader's business interests with other people. I always get the best ideas

* "My soul to God, my sword to the King, my heart to the ladies."

*D 804 G 42 I6

ERRATA

Volume XIII, Trials of War Criminals before the Nuernberg Military Tribunals

Page 284. Change lines 15 to 22, inclusive, to read:

After a brief period of transition, which was simultaneously a time of deepest humiliation, there has now come the idea for victory. As in a tropical jungle after the rainy season, everything grew, the sap rose into the leaves. And now comes the time to prove ourselves. This change, Reich Leader—one must be very just here—demands of the individual an enormous degree of self-observation, self-control, personal criticism. It is obvious, of course, that one cannot ask that of everyone. One should, of

U.S. Dept. of Documents
Oct. 21, 1952

224393—52

U. S. GOVERNMENT PRINTING OFFICE: 1952

afterwards, according to the old Swabian saying: "When the city councillor comes from the town hall he is always wiser than before."

The NSDAP, and therefore the SS, is still suffering from one thing: the fact that we have many officers who at one time were not able to earn a decent living by the work of their hands, that is, who came to us because they hoped in the bottom of their hearts that their life would thus be made somewhat easier and more comfortable. You said, Reich Leader, when I was there, that a woman can be esteemed only if she has children by her husband, and if she is willing, if necessary, to perform the hardest work with her husband in order to make ends meet. Many of our SS officers do not share this logical attitude. Therefore they also lack what has been called "a man's pride before the throne of kings," the courage to express a contrary opinion even to one's supreme superior, while of course preserving the proper formalities. The superior always has the power to make the decision. Then, however, when he has made his decision, this order is carried out to its utmost limit. Reich Leader, we must put this new concept of service and manliness into effect. It exists—and this fact often depresses me—among the enlisted men and in the lower ranks. Unfortunately it often does not exist in the upper ranks. The SS officers forget that loyalty must be not only from subordinates to superiors but also from superiors to subordinates, since otherwise leadership is impossible in the long run.

We have one other thing among our officers which is not right, and that is criticism. Criticism is necessary, but criticism by officers of the superiors and of the supreme authorities is unworthy. For a higher ranking SS officer has at all times, particularly in view of the attitude of the Reich Leader SS, an opportunity to reach the Reich Leader SS himself and to present his worries or his point of view in person to the Reich Leader SS. Here we have many officers who have not got beyond the old lientenants' standpoint. There is an old saying. "No one has more call to exercise objective criticism than a dissatisfied lieutenant." Many of our SS officers have not developed beyond this standpoint.

Their external form as commanding officers is very good, but they lack the growth within, often also a sense of responsibility for a commanding officer. That in itself, Reich Leader, is not so bad. It all results from rapid development. I do not cite this in order to criticize, but really only in order that the Reich Leader will not let such severe disappointments swerve him from the path which he has followed hitherto and will not let them

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change the goodness of his heart. There are many people who are not worthy of such generous treatment, but there will be many who will be inspired to their utmost effort only with and by this treatment.

Concerning the East Ministry.

On the one hand, I have more or less got used to the idea, albeit with difficulty. With difficulty particularly because, as Chief of the SS Main Office, I believe I can give the Reich Leader SS more than as State Secretary in the East Ministry. Then I picked out all the pleasant aspects, such as the many minor details, which today make difficulties for me as Main Office Chief and worry me, would not exist in the East Ministry, because there I could stop them on my own initiative and because now our future lies in the East and I could have seen to it that in 1 or 2 years the East Ministry would be working internally only according to the great principles and directives of the Reich Leader SS.

I am proud that I am now able to remain in my Main Office. For no one likes to leave work which has been achieved with part of his life force. I shall now attempt, however, to reach the goal in the Reich East Ministry as well, although I am not regularly employed there.

I believe that on the whole we in Germany have learned nothing from history about the treatment of foreign peoples. It was always believed that if the eastern people (see Polish policy) were given economic concessions and political freedom, they would be won over for us and would fight for us. The more we did along these lines, the more the people thought of themselves. It was really this consideration which gave them the idea of their national unity. In my opinion it was a mistake for us, in the Ostland as well as in the Ukraine, to fall upon these peoples like poor starved have-nots. The immediate concession of small and middle sized property, the concession after tests of later larger allotments would have been quite sufficient, and above all the populations who once welcomed us as liberators would not now be unsympathetic or even hostile toward us. In the last analysis, that is a question of faith and shows only how few of the German people, particularly the leading classes, are convinced of national socialism as a new faith.

In the last analysis this war is to determine which nation is called to stamp its mark on the world and to destroy the old belief that the Lord is of a different nationality in every country and that each time he must help to kill the people beyond the border. But that too is only a question of development, a question of time. Fate was against us here, in that it did not leave

us time for development, but called us to the decision before we had brought the best part of the German people to these clear thought processes.

Today we are facing the great decision. Either a new era will begin with national socialism, hard, difficult, and clear, which will mark not only the Germanic world but also the rest of the world for hundreds, perhaps for thousands of years, or national socialism will finally put an end to the Germanic period, to be compared with the rays of the evening sun which lights up the world once more before it sets.

In any case, Reich Leader, I regard this calmly and confidently. I hope that I am above the matter and that I will thus be best able to serve my Reich Leader. I am aware that in difficult times there have always been single men who directed the fate of a people in this or that way, and that, if these men fall, they must fall like centuries-old oaks in the forest.

I do not believe I need emphasize that within my heart I cherish the profound hope that after my most personal sacrifices we are founding a new era. As long as I live I shall be your loyal follower on whom you can rely, no matter what you order.

[Handwritten]
Heil Hitler!
Yours grateful,
[Signed] GOTTLOB BERGER

TRANSLATION OF DOCUMENT NO–1817
PROSECUTION EXHIBIT 2337

LETTER FROM DR. LEIBBRANDT OF THE EAST MINISTRY TO DEFENDANT BERGER, 24 MARCH 1943, TRANSMITTING A COUNTERSIGNED COPY OF HIMMLER-ROSENBERG AGREEMENT CONCERNING THE POLITICAL INDOCTRINATION OF NATIONALS OF EASTERN EUROPEAN COUNTRIES SERVING IN SECURITY UNITS UNDER GERMAN COMMAND

8 24 March 1943
U.d.Linden 63
12 00 58
East Ministry

Ministerial Director Dr. Leibbrandt
(I 3/397)
Zu C I 4-Az. 30 e-Dr. E/Rei

To the Chief of the SS Main Office
SS Major General Berger
Berlin-Wilmersdorf 1
Hohenzollerndamm 31

Subject: Agreement between the Reich Leader SS and Chief of the German Police and the Reich Minister for the Occupied Eastern Territories concerning the political training of nationals of the eastern European countries, assigned to the indigenous security units [Schutzmannschaften]

Enclosure: 1

Dear Major General:

I have countersigned the above-mentioned agreement and, as desired, return one copy to you.*

Heil Hitler!
[Initial] L [LEIBBRANDT]

[Handwriten] Copy handed by me to Berger personally today
[Initials] KI [Kinkelin]

* Document NO–1818, Prosecution Exhibit 2338, reproduced immediately below.

TRANSLATION OF DOCUMENT NO–1818
PROSECUTION EXHIBIT 2338

AGREEMENT BETWEEN THE REICH LEADER SS AND CHIEF OF THE GERMAN POLICE AND THE REICH MINISTER FOR THE OCCUPIED EASTERN TERRITORIES CONCERNING THE POLITICAL INDOCTRINATION OF NATIONALS OF EASTERN NATIONS ASSIGNED TO THE INDIGENOUS SECURITY UNITS (SCHUTZMANNSCHAFTEN)*

It has become evident that military-political training, economic improvements, and rigid disciplinary supervision alone are not sufficient to bring to full and reliable assignment the members of the eastern nations enrolled in the indigenous security units. It is necessary, over and above this, that they will be won over spiritually for their particular task and be convinced of it. This has to be achieved through a planned political schooling, adapted to the time and the conditions prevailing.

The political schooling of the non-German members of the indigenous security units is a matter for the Reich Leader SS, who issues implementing instructions to the Chief of the SS Main Office or, as the case may be, the local Higher SS and Police Leader. It will be carried out within the framework of and in conformity with the over-all political line pursued by the Reich Minister for the Occupied Eastern Territories.

The aim of this indoctrination is to convert the non-German members of the indigenous security units to convinced cofighters against bolshevism and for the All-European New Order. Special attention is to be paid to the following points:

1. Effective and quick warding off of Bolshevist propaganda.

2. Tying up with the strong instinctive anti-Semitism of the eastern nations; the Jewish face of bolshevism; Jewry as motive power behind bolshevism as well as the capitalism of the Western Powers; the Jewish aims for world domination and the various ways toward it (world revolution and capitalism); the nationalist disguises of Jewish bolshevism; Stalin's army as a power instrument to gain Jewish world domination with the blood of the other peoples. Bolshevist aims and methods (question of land, deportation, GPU., church question, etc.).

3. The Reich's and its Fuehrer's fight against world Jewry. The differences between national socialism and bolshevism; national socialism's positive attitude toward folkdom and racial distinctions, its respect of and care for national culture, homeland,

* See documents on the reports of two German officers (NO–2007, Pros. Ex. 3344; NO–2008, Pros. Ex. 3345; and NO–2009, Pros. Ex. 3346), concerning the activity of these indigenous security detachments in the execution of the forced labor policy in the East. These documents are reproduced below in section XI B (Slave Labor).

family, property. Germany safeguards life and folkdom, national culture, and order for the European nations. Germany's social achievements. Personality and life of the German Fuehrer. Everybody fighting on Germany's side, also fights for his or her folkdom, homeland, and family.

4. Realization of the new European community of nations under the Reich as the leading, protecting, and marshaling power. The common work and fight of the European nations against the Jewish aims for world domination. Causes, meaning, and underlying reasons of the war. (Jewry as instigator of the First and Second World War.) Germany's and Europe's allies in a common front in fight against the Jewish-Capitalist and the Jewish-Bolshevist powers. The hard necessities of the war; common work, common sacrifices, and common fight for the New Europe. The joint economic, political, and cultural interests of Germany, the eastern nations, and all Europe's.

5. Avoidance of any utterance liable to violate self-esteem, honor and self-pride both in words and illustrations. Linking with the ethnological national culture and history, their connections with Europe and the Nordic-Germanic sources must be particularly stressed.

Berlin, 15 March 1943

[Signed] LEIBBRANDT
[Signed] G. BERGER

PARTIAL TRANSLATION OF DOCUMENT 2220–PS
PROSECUTION EXHIBIT 2256

LETTER FROM DEFENDANT LAMMERS TO HIMMLER, 17 APRIL 1943, CONCERNING "THE SITUATION IN THE GOVERNMENT GENERAL," INDICATING STEPS TAKEN FOR AN INTENDED JOINT REPORT OF LAMMERS AND HIMMLER TO HITLER, AND TRANSMITTING A MEMORANDUM ON TASKS AND PROBLEMS IN THE ADMINISTRATION OF OCCUPIED POLAND

Berlin W 8, 17 April 1943
Vosstrasse 6, at present:
Fieldquarters. Mail must
exclusively be directed to
Berlin address.

The Reich Minister and Chief of the Reich Chancellery
RK.318D g III

Secret

To Reich Leader SS and Chief of the German Police Himmler.
Subject: The situation in the Government General

Dear Reich Leader:

We had agreed at our conference on 27 March of this year that written texts should be worked out about the situation in the Government General, on which our intended mutual report to the Fuehrer could be based.

The material gathered for this purpose by SS Lieutenant General Krueger has been submitted to you immediately. Based on this material I have had a memorandum prepared which sums up the most important points of this material, subdivided so as to give a clear picture culminating in crystallizing the measures to be taken.

The memorandum was checked with SS Lieutenant Krueger who agrees fully with it. I hereby enclose part of it.

Another conference concerning this matter would only be necessary if you or Reich Leader Bormann have essential objections against the contents of this memorandum. I ask you to let me know as soon as possible if this is the case or not.

Heil Hitler!
Respectfully yours,
[Signed] DR. LAMMERS

Copy to RK. 318 D g III 12 April 1943

[Stamp] *Secret*

Subject: The situation in the Government General

A. The task of the German administration in the Government General

The German administration in the Government General has to fulfill the following tasks:

1. For the purpose of securing food for the German people, to increase agricultural production and utilize it to the fullest extent, to allot sufficient rations to the native population occupied with work essential for the war effort, and to deliver the rest to the armed forces and the homeland.

2. To employ the manpower of the native population in the Government General itself only for war important purposes, and to put at the homeland's disposal such manpower which is not needed for the purpose mentioned above.

3. To strengthen Germanism in the Government General in general, and by means of inland settlement in particular; to create a stronghold of Germanism in the eastern border districts, also by means of colonization with ethnic Germans transferred from other places, thus safeguarding these very districts.

4. To safeguard the Government General as a transit zone for replacements and supplies to the East front.

5. To obtain troops as far as possible out of the native population for the fight against bolshevism.

B. Wrong ways chosen for the fulfillment of these tasks

The German administration in the Government General has failed by a wide margin in achieving the tasks listed under *A*. Although, in the year of 1942, one succeeded in meeting the delivery quota of agrarian products for the armed forces and the homeland at a relatively high percentage, namely over 90 percent, and also met the demands of the homeland concerning the conscription of labor in general, one has to consider two things on the other hand: First, these accomplishments in the year of 1942 were achieved for the first time, prior for instance, only 40,000 German tons in bread grain had been delivered to the armed forces. Second, above all one had failed to create for the bringing about of such achievements the necessary organizational economic and political basis which is absolutely required, if such achievements shall not strongly affect the entire situation, may eventually cause chaotic conditions in the future. This failure of the German administration can for one thing be explained by the system of the German administrative and governmental activity in the Government General personally represented by the

Governor General, second, by the wrong basic principles of policy in all those questions, which were decisive of conditions in the Government General.

* * * * * * *

II. *The mistaken* [*verfehlten*] *basic principles of policy*

1. *The Economy.*—The realization of the task, listed in *A* 1 necessitates in the first place a strict and clear-cut structure of economics, as well as a disciplined and clear-cut official economic policy, accompanied by an elimination as total as possible of clandestine trading and black markets. This stipulates above all the fullest utilization of the harvest and its public management, the stopping of all trade enterprises which are not essential to the war, and the care to be taken for a clear-cut management in war essential enterprises.

The German administration was in no respect capable of living up to these requirements. In the matter of raising food it took a request of a delivery contingent for the Reich and the armed forces amounting to 750,000 metric tons of bread grain in the summer of 1942, in order to have the attempt made of drawing up an inventory of food products. For this purpose a census was taken. The result however turned out to be unreliable. The utilization of harvest [Ernteerfassung] did not even permit the full delivery of the contingent for the Reich and the armed forces (instead of 750,000 metric tons only 690,000 tons) let alone the ample feeding of the native population working for German interests. While 1.4 million metric tons were demanded, only 1.2 million metric tons of bread grain could be taken hold of, of which 690,000 m.t. were delivered to the Reich and the armed forces, so that for roughly 16 million natives only 510,000 m.t. were left. Accordingly, the weekly bread rations for the normal consumer had to be cut down to only 1050 g, compared with 1675 g in the Protectorate and 2600 g in Incorporated Eastern Territories. To make supplies available for the native population, black markets and clandestine trading were tolerated to the greatest extent, resulting in prices entirely unattainable for the population working for German interests. A married Polish official, without children, with high school education, for instance, has a net income of 234.27 zloty per month. Compared with this the prices in the clandestine trade are:

1 kg. rye bread	11.00 zloty
1 kg. potatoes	2.40 zloty
1 kg. pork	80.00 zloty
1 kg. bacon	160.00 zloty
1 kg. butter	170.00 zloty

Under such conditions the foreign worker remains at his place of work for about 4 to 5 days per week only in order to purchase the missing provisions for himself and his family on the remaining other days. Daily ransackings, robberies, murders, and other crimes are the further consequences of those conditions.

The farmer received, as an incitement for delivery of his agrarian products, premium certificates for the obtaining of commodities, (articles needed for farming, household necessities, salt, cigarettes, brandy, etc.). These commodities very often could not be had however, despite the fact that they were obtainable in any desired quantity in the clandestine trade but at exorbitant prices.

1 bricklayers' brush	1 cow
1 dz. coal [Druschkohle]	30.00 zloty
1 pair of boots	1,500.00 zloty
1 horse shoe nail	3.00 zloty
1 pair of wooden slippers	2 calves
1 dress	1 cow

The consequence of this situation naturally leads to a severe curbing of the farmer's willingness to produce. Instead of reducing prices in the trade section by means of taking the necessary measures in regard to the management, a decree of the Governor General recommended to adjust the prices of agrar-products to the prices of commodities, which were as much as 300 to 400 percent higher.

The trade economics are entirely built up according to capitalistic viewpoints with the aim of earning quickly and much, and any planned leadership, which might take war requirements into consideration, is lacking. There is a lack of state supervision and of guidance in the line of production and in the line of trade. The German individual business man as a "trustee," on his own, of enterprises personally directed by him, is given a free hand to do what he wants, in the unrestricted play of powers. These trustees very often make use of former Polish and Jewish owners of enterprises as agents empowered to sign in their names. These trustees make tremendous profits in clandestine trading tolerated by the government, and make them within the shortest time. Prohibition of production and control of individual management as requested by the Armament Inspection (Major Gen. Schindler) were not carried out. Part of the trade production, directed only at putting at the disposal of the native population objects for the trade-in of food, metals, materials for spinning, leather, etc., are thus being drained off from war economy.

2. *The utilization of manpower.*—The most important presupposition for a proper and relatively frictionless regulation to utilize manpower taken from the native population within the Government General itself, as well as within the Reich, is normal conditions in the sphere of economics. Lack of this coordination influences the directing of labor employment unfavorably in many respects. If it would be possible to provide the population, working in the interest of Germany, with the minimum of food needed and everyday objects, and to render impossible the access to other items by way of black market channels and clandestine trade, then the reserves of manpower at hand would volunteer for employment as planned out of their own volition. This would mean a basis for a sensible shaping of agrarian property-units. It is necessary in this respect that parts of the population thus available may then be employed in such work which will guarantee them a satisfactory standard of living. After the failure of having created the necessary supposition for a well-planned and well-steered employment of manpower, the utilization of manpower is confronted with the greatest difficulties. It is clear that those difficulties have been increased by the elimination of Jewish manpower. But it is incorrect to consider this elimination as the cause of difficulties. If the necessary basis for proper management of manpower had been given, the elimination of the Jewish manpower would not have caused any difficulties worth mentioning. As things were, the utilization of manpower had to be enforced by means of more or less forceful methods, such as the instances when certain groups, appointed by the Labor Offices, caught church and movie-goers here and there and transported them into the Reich. That such methods not only undermine the people's willingness to work and the people's confidence to such a degree that it cannot be checked even with terror, is just as clear as the consequences brought about by a strengthening of the political resistance movement.

3. *The treatment of the native populations.*—Can only be led into the right channels based on a foundation of a clear-cut and well-organized administration and management. Only such a foundation permits that the native population may be handled strictly if necessary, even severely. On the other hand it can be dealt with in a big-hearted manner and may be granted certain liberties, especially in cultural respect, causing a certain amount of contentment. Without such a foundation severity would only strengthen the resistance movement and meeting the native population half-way would only undermine the German reputation. That this foundation is missing can be concluded from the facts mentioned above. Instead of trying to create this basis, the

Governor General inaugurates a promotion of cultural life on the part of the Polish population, which knows no bounds in itself. Under prevailing circumstances and last but not least, in connection with our military situation last winter, this could only be explained as a weakness and thus had to bring about exactly the opposite results of the aspired aim.

* * * * * * *

PARTIAL TRANSLATION OF DOCUMENT 032–PS
PROSECUTION EXHIBIT 3901

LETTER FROM ROSENBERG TO HIMMLER, 2 APRIL 1943, WITH COPY TO DEFENDANT LAMMERS, TRANSMITTING ROSENBERG'S MEMORANDUM ON "REICH COMMISSIONER KOCH AND THE ZUMAN WOODED AREA" WHICH REPORTS UPON EVENTS ALLEGEDLY OCCURRING IN THE EVACUATION OF THE ZUMAN AREA[1]

[Handwritten] Copies to:
1. Dr. Lammers
2. Gauleiter
[Illegible initial] 2 April
2 April 1943

The Reich Minister for Occupied Eastern Territory
Nr. 847/43 g R/H

Personal

[Stamp] Secret

To the Reich Leader of the SS and Chief of the German Police, Himmler

Berlin SW 11

Prince-Albrecht Street 8

Dear Party Comrade Himmler!

By and large you have been informed by SS Major General Berger[2] about my conflict with Reich Commissioner for Ukraine Koch. Once in Poznan I told you my opinion of his so-called policy. I am transmitting to you attachments on the Zuman case about which you have perhaps already heard. Likewise, I am adding the detailed account of this affair from my main forestry and wood section.[3] I request you to obtain at once an

[1] Document 032–PS was introduced in the IMT trial as Exhibit GB–321 and the German text appears in Trial of the Major War Criminals, volume XXV, pages 92–96.

[2] At this time defendant Berger was liaison officer of Reich Leader SS Himmler with the East Ministry.

[3] This report, not reproduced herein, was also a part of the document introduced in evidence.

official report and explanation in this case from the Higher SS and Police Leader with the Reich Commissioner for the Ukraine.

Heil Hitler!

Signed: A. ROSENBERG

Enclosure

[Handwritten] Copy 1 to Dr. Lammers

Berlin, 2 April 1943

R/H

Subject: Reich Commissioner Koch and the Zuman wooded area.

How little the Reich Commissioner of the Ukraine Koch felt himself conscientiously bound to his mission was demonstrated at the beginning of his activity in office. From the time of his installation in September 1941 until the beginning or the middle of February 1942, he visited the Reich Commission only a few times. These visits lasted only a very short time whereupon he would go out to hunt. During this whole time the General Commissioners, the District Commissioners and the Agricultural leaders were obliged to perform their duties uninterruptedly in hard winter and under the most difficult circumstances. Soon there were rumors that the Reich Commissioner of the Ukraine wished to appropriate the former Polish Zuman hunting land as his personal hunting preserve. On the occasion of a visit in Berlin the conversation also turned to the matter. Then the Reich Commissioner of the Ukraine declared that he had made hunting preparations for the future on the expressed wish of the Minister. Upon my declaration that I had not given a thought to this, he explained that he had received a letter from Gauleiter Meyer. Now, Gauleiter Meyer had informed the Reich Commissioner of the Ukraine, with respect to future visits from the Reich, that he might foresee such a possibility for the guests in case they were hunters. In no way had any instruction for extraordinary preparations been given by this. After that the Reich Commissioner of the Ukraine got from me the unequivocal instruction that he was not to undertake anything in this respect. Later upon repeated questioning he named every one a defamer who attributed to him the intentions of having a large hunting area in Zuman. Nonetheless later there came again the news, this time under the title of a forest land, that some 70,000 hectars of the Zuman area had been condemned for the Reich Commissioner of the Ukraine, and it was intended to root up or burn down the villages standing in the area.

Now, I receive the following information from an old Party Comrade who has worked for 9 months in Volhynia and Podolia

for the purpose of preparing for the taking over of a District Commissiariat or a main section in general district Volhynia and Podolia. This information goes as follows:

On the order of the highest position, it was directed that the whole district of Zuman be evacuated. Germans and Ukrainians both stated that this was happening because the Reich Commissioner wished to have the whole wooded area Zuman for his personal hunting area. In December 1942 (when the cold was already severe) the evacuation was begun. Hundreds of families were forced to pack all their possessions over night and were then evacuated a distance of over 60 Km. *Hundreds of men in Zuman and the vicinity were mowed down* [*abgeknallt*] *by guns of an entire police company, "because they were Communist party members."* No Ukrainian believed this, and likewise, the Germans were perplexed by this argument, because if the security of the area were at stake it would have been necessary to execute communistically inclined elements in other districts. *On the contrary, it was generally maintained that these men were ruthlessly shot down without judgment because so extensive an evacuation in so short a time was out of the question and furthermore, there was not enough space available at the new place for settling the evacuees.* The district Zuman is today depopulated on a wide area. The greater portion of the peasants have been removed from the region. *Now it suddenly appears that in order to take timber out of this very richly wooded Rayon, peasants must be forced to come from a distance of 30 and 40 km., which for the time being is the case in being obliged to carry on the export of wood in the bandit-Eldorado* [*Banden-Eldorado*] *developed out of the Zuman wood area.*

I maintain that it is necessary in this case, which has become known to me unofficially and which has created the greatest irritation in whole of Volhynia and Podolia, to probe it thoroughly with the responsible police and to let the competent Higher SS and Police Leader, SS Obergruppenfuehrer Pruetzmann hear about the matter officially.

[Signed] A. ROSENBERG

PARTIAL TRANSLATION OF NG–151
PROSECUTION EXHIBIT 1551

FILE NOTE OF THE REICH CHANCELLERY ON A STATE SECRETARIES CONFERENCE IN THE OFFICE OF DEFENDANT STUCKART, 21 APRIL 1943, SUBMITTED TO AND INITIALED BY DEFENDANT LAMMERS, CONCERNING A PROPOSED DECREE LIMITING LEGAL RIGHTS OF JEWS[1]

The Reich Minister and Chief of the Reich Chancellery
Reich Chancellery 4611 Concerning Reich Chancellery 4748 E

Berlin, 21 April 1943

The State Secretaries conference, suggested by this office [von hier] about the draft originally worked out in the Reich Ministry of the Interior of a decree concerning the limitation of legal rights of Jews [Rechtsbeschraenkungen], took place today at the office of State Secretary Stuckart. State Secretary Rothenberger,[2] State Secretary Klopfer, SS Major General Kaltenbrunner, and I were present in addition to State Secretary Stuckart.

The discussion showed that only articles 6 and 7 of the provisions of the draft of the order are considered necessary, in which connection article 7 is to be supplemented by a regulation which makes possible, in the case of a confiscation of property, a settlement in favor of non-Jewish heirs and legal dependents.

It was furthermore considered suitable to have the regulation issued as a supplementary decree to the Reich Citizenship Law.[3]

The regulation would accordingly approximately take the form as shown in appendix II.[4]

Enclosure II

2. To the Reich Minister for information
   [Initial] L [Lammers] 28 April
3. Reich Cabinet Counsellor, Dr. Ficker respectfully. Just. 1
   [Initials] KR. [Kritzinger]

s.Rk 5761 344550

[1] This file note is only one of many captured documents on the drafting of the 13th Decree to the Reich Citizenship Law contained in Document NG–151. Other items from this document are reproduced in section V D 2, Volume III, this series, concerning the Justice case.

[2] Curt Rothenberger, a defendant in the Justice case.

[3] The supplementary decree was issued on 1 July 1943 as the "13th Decree to the Reich Citizenship Law." See Document 1422–PS, Prosecution Exhibit 2456, reproduced later in this section.

[4] Not reproduced herein.

TRANSLATION OF DOCUMENT STEENGRACHT 64
STEENGRACHT DEFENSE EXHIBIT 64

LETTER FROM EICHMANN, CHIEF OF THE RSHA SUBDIVISION ON JEWISH MATTERS, TO THE FOREIGN OFFICE, 2 JUNE 1943, CONCERNING PROTESTS OF SLOVAKIAN BISHOPS ON ANTI-JEWISH MEASURES AND CONCERNING REPORTED TREATMENT OF JEWS EVACUATED FROM SLOVAKIA

Copy

Berlin SW 11, 2 June 1943
Prinz-Albrecht-Strasse 8

The Chief of the Security Police and SD
IV B 4

2145/42 secret (1090)

Order—Forward to Inl. IIA. Inl. IIB [crossed out in original] wants to participate

[Stamp] Secret

Berlin 5 June 43
[Illegible initials]

To the Foreign Office
Attention Legation Councillor von Thadden or deputy
Berlin
Rauchstr. 11

[Stamp]
Foreign Office
Inl. II/579 Secret
Received 7 June 1943
1 enclosure

[Handwritten] AR Tuengler Inl. ID [illegible] [Initials] v. TH. [v. Thadden] 7 June

Subject: Deportation of Jews from Slovakia—Pastoral letters from Slovakian bishops protesting against anti-Jewish measures adopted by the State

Reference: Your letter dated 15 May 1943 Inl. II 932 secret [Illegible initial]

Enclosure: 1 newspaper

With reference to the proposal put forward by Prime Minister Dr. Tuka to the German Minister in Bratislava to send a mixed Slovakian commission to one of the Jewish camps in the occupied territories, I wish to state that an inspection of this kind already took place recently on the part of Slovakia by Fiala, the chief editor of the periodical "Der Grenzbote."

With regard to the description of conditions in Jewish camps requested by Prime Minister Dr. Tuka, attention should be drawn to the comprehensive series of articles by this editor which has appeared with numerous photographs, etc., in the periodicals "Der Grenzbote," "Slovak," "Slovenska Politika," "Gardiste," "Magyar Hirlap" and in the Paris newspaper, and which was sent via the Transcontinental Press Agency to almost all important newspapers in the Southeast.

[Handwritten] Jews Sg.

The issues of the newspapers required—with the exception of the Paris paper referred to—can be obtained from the adviser on Jewish affairs with the German Legation in Bratislava, SS Hauptsturmfuehrer Wislizceny. I am enclosing a copy of the Paris newspaper.

[Handwritten] See page 8 of the newspaper.

For the rest, to counteract the fantastic rumors circulating in Slovakia about the fate of the evacuated Jews, attention should be drawn to the postal communications of these Jews with Slovakia, which are forwarded directly through the adviser on Jewish affairs with the German Legation in Bratislava, and which for instance amounted to more than 1,000 letters and postcards for February-March this year. Concerning the information apparently desired by Prime Minister Dr. Tuka about the conditions in Jewish camps, no objections would be raised by this office against any possible scrutinizing of the correspondence before it is forwarded to the addressees.

BY ORDER:

Signed: EICHMANN

Certified.

[Illegible signature]

clerk.

[Stamp of Chief of Security Police and SD]

961402—62——20

TRANSLATION OF DOCUMENT NO–5901
PROSECUTION EXHIBIT 3272

LETTER FROM DEFENDANT BERGER, CHIEF OF THE SS MAIN OFFICE, TO RUDOLF BRANDT, 16 JUNE 1943, CONCERNING MILITARY SERVICE FOR SO-CALLED ETHNIC GERMANS IN CROATIA AND SERBIA

The Reich Leader SS
Chief of the SS Main Office
CdSSHA/Be/Ra./VS-Diary No. 3706/43 Secret
Adjutant's diary No. 1884/43 secret

[Stamp] Personal Staff Reich Leader SS
Archives
Secret/332/3

Berlin-Wilmersdorf 1, 16 June 1943
Hohenzollerndamm 31
P. O. Box 58

[Stamp] Secret

Subject: Compulsory military service [wehrpflicht] for Ethnic Germans [Volksdeutsche] in the Southeast.

Reference: None

To the Reich Leader SS
Personal Staff
SS Lieutenant Colonel Dr. Brandt*
Berlin SW 11
Prinz Albrecht Str. 8

[Handwritten] Belongs to the file which I gave to SS Captain Wascher
[Initials] Bg. 6/9

Dear Doctor:

With the discussion of the compulsory military service for ethnic Germans we want to bring to a clarification a topic which is not yet ripe for it and which does not demand a clarification at all at this moment.

The Reich Leader SS has proclaimed general compulsory military service for the ethnic group in the Serbian territory—that is, Dr. Janko. The Serbian territory is under German sovereignty, since it is occupied by Germany. From the point of public law there can be no objection, leaving apart the question

* Rudolf Brandt was a defendant in the Medical case, Volumes I and II, this series.

that really nobody cares what we do down there with our ethnic Germans.

The formation of the division "Prinz Eugen"* was not only based on the principles of universal military service, but the Tyrolese General Levy Act [Landsturm Ordnung] of 1872. But since some friction occurred between SS Major General Phleps and Dr. Janko, because Dr. Janko saw his throne collapse, SS Lieutenant General Lorenz stepped in; he was told to desist [abgewiesen] by the Reich Leader SS, though.

To proclaim compulsory military service for Croatia and Serbia is impossible under public law. And it is not at all necessary either, for when an ethnic group is under a moderately good leadership, everybody volunteers anyway, and those who do not volunteer get their houses broken to pieces. (Such cases are said to have occurred in the Rumanian Banat during the last few days.)

But the SS Legal Main Office [Hauptamt SS Gericht] wants something quite different. They want, at long last, clarity and, above all things, a simplification so that they can more easily and better apply the legal provisions which, alas, exist; and I am of the opinion that we cannot take away these worries from the SS Legal Main Office. All that is necessary is to treat the racial Germans a little differently from the German citizens. Just as we show some indulgence to the Germans, for the sake of fairness, we have to show this indulgence to our ethnic Germans, at least until they finish their training. I think it is quite wrong to goad the Reich Leader SS into something because of this matter and make him commit himself, and I refuse to do it.

I should be grateful, however, if you would inform me of the decision.

These questions—please don't take this personally—are not questions which the SS Leadership Office [SS Fuehrungsamt] has to solve, but are questions which concern the SS Main Office. But of course, it's Mr. Nordmann again.

Heil Hitler!

Yours,

[Signed] G. BERGER,
SS Major General

[Stamp of Personal Staff Reich Leader SS]

* Reference is to the 7—SS Freiwilligen-Gebirgs-Division "Prinz Eugen"—(7th SS Volunteer Mountain Division "Prinz Eugen"), whose personnel consisted mainly of ethnic Germans from Yugoslavia and Rumania.

TRANSLATION OF DOCUMENT NO-2607
PROSECUTION EXHIBIT 2393

LETTER FROM REICH COMMISSIONER LOHSE TO ROSENBERG, 18 JUNE 1943, COMMENTING ON "SPECIAL TREATMENT" OF JEWS, ATROCITIES, KILLING OF PERSONS ON SUSPICION OF PARTISAN ACTIVITY, THE MANNER OF EXECUTIONS, THE FAILURE TO BURY EXECUTED PERSONS, AND RELATED MATTERS

Copy

Riga, 18 June 1943

The Reich Commissioner for Ostland
Journal No. 3628/43 g.

Secret

To: The Reich Minister for the Occupied Eastern Territories
Berlin

Commissioner General Kube has submitted the enclosed secret reports, which deserve special attention.

The fact that the Jews receive special treatment [sonderbehandelt werden] requires no further discussion. It seems hardly credible, however, that incidents have occurred like those mentioned in the report by the Commissioner General, dated 1 June 1943. What is Katyn compared to that? Just imagine the enemy finding out about such incidents and making capital of them! Such propaganda would probably remain ineffective, only because those who hear and read it would not believe it.

Even the combatting of partisans has assumed a form which is highly questionable, if it is the aim of our policy to pacify and exploit the individual territories. For example, the persons who had been killed on suspicion of partisan activity—listed at 5,000 in the report of operation "Cottbus," dated 5 June 1943*—would, in my opinion, have been suited, with few exceptions, for assignment to work in the Reich.

In this connection, it shall be conceded that in view of language difficulties and especially on the occasion of such purge operations, it is very hard to distinguish between friend and foe. It is, however, possible for cruelties to be avoided and for those liquidated to be buried. I myself do not think that locking men, women, and children in barns and then setting fire to the latter, is a suitable method for combatting partisans, even if one wishes to exterminate [ausrotten] the population. This method is not wor-

* In the documents this operation is spelled either as "Cottbus" or "Kottbus." A later report of 23 June 1943 on operation "Kottbus," Document NO-2608, Prosecution Exhibit 2390, is reproduced immediately below.

thy of the German cause and damages our reputation.

Please take the necessary steps at your end.

Signed Signature

TRANSLATION OF DOCUMENT NO–2608
PROSECUTION EXHIBIT 2390

REPORT FROM THE CHIEF OF ANTI-PARTISAN UNITS TO HIMMLER, 23 JUNE 1943, UPON THE SUCCESS OF OPERATION "KOTTBUS," NOTING GERMAN LOSSES OF 88 KILLED AND ENEMY LOSSES OF 9,751 KILLED IN BATTLE OR LIQUIDATED, THE LOSS OF 2,000 TO 3,000 LOCAL PEOPLE IN CLEARING MINE FIELDS, AND RELATED MATTERS

[Stamp] Secret

Minsk, 23 June 1943

Copy of copy

The Reich Leader SS and Chief of the German Police

Chief of the Anti-Partisan Units

To: The Reich Leader SS and Chief of the German Police

Personal

Field Headquarters

Special Report concerning the major operation called "Kottbus"

Commander: SS Brigadier General and Brigadier General of the Police, von Gottberg

Troops: Combat strength fighting force of our own formations, including non-German formations—16,662 men

a. Einsatzgruppe North:

2d SS Police Regiment with one battery
13th SS Police Regiment
12th Police Armored Company
2d Security Service Company
11th Field Howitzer Battery (motorized)
Company I/ Antiaircraft Division Detachment of Headquarters Staff of the Reich Leader SS
Indigenous Security Battalion 57 with 1 Infantry howitzer platoon (heavy-weapons Infantry platoon), 1 antitank platoon (Pak-Zug), 2 heavy mortar platoons (Higher Field Headquarters 392—61st Reserve Infantry Regiment).
1 half Battalion Teschendorf
Regimental Staff of the 2d Bicycle Infantry Regiment.

637th Battalion East
1st Battalion, 61st Security Regiment
2d Battalion, 931st Security Regiment
469th Security Battalion minus 1 company
1 platoon of 1st Battalion Artillery Regiment 221 with a battery unit
1 platoon of the 8th Battery Artillery Regiment Smolensk with a battery unit
2d Battalion of Artillery Regiment 213 minus 1 battery
1st Battalion of 931st Infantry Regiment
Company 8 (Reserve) 61st Security Regiment (Area Command Center)
3d Company Armored Artillery 80
2d Artillery Regiment 56

b. Einsatzgruppe West

3 Gendarmerie platoons (motorized)
2 Companies, 1 battery } Higher Field Headquarters 392 (Half Battalion Hensel)
1 police tank company
SS drushina-formations
Indigenous Security Battalion 54
1 half battalion Dr. Reiche
Indigenous Security Battalion 102
Gendarmerie Einsatzkommando, for special assignments
Auxiliary Battalion 118 (Kreikebom)
1 antitank platoon, 1 heavy mortar platoon, 2 Companies } Higher Field Headquarters 392 (Half Battalion Mueller)
1 Company Dunker (603d Security Regiment) under Half Battalion Mueller

c. Blockade Group South

SS Special Battalion Dirlewanger
Auxiliary Battalion 15
600th Eastern Detachment (Cossacks—3 squadrons, 1 headquarters platoon, 1 half battery)
633d Eastern Detachment (2 Companies and Headquarters Company)
237th Security Battalion (4 Companies and Headquarters)
1st Battalion Police Rifle Regiment 31
Emergency units of the Commissioner General for White Ruthenia

The success of major operation "Cottbus" consists of the total annihilation of the partisan republic of Lake Palik, the troops of

which had been formed for the most part from regular Russian paratroopers. The severity of the battles is most clearly shown by the regrettably high losses among our own troops. The final decision to attack such a powerful opponent was difficult and in contradiction with the situation reports from all authoritative and responsible offices in this territory. Since only our own troops were available in the early first days of the battle, several crises in the individual phases of the operation could not be avoided. Continuous negotiations with the authorities responsible for this territory for the assignment of supporting forces, negotiations which hindered any kind of final decision, resulted in the satisfactory assignment of the necessary troops corresponding to the position of the enemy only after the Reich Leader SS had personally intervened. In order to do justice to Major General Schwarzenecker, commander of the Security Area of White Ruthenia, it must be emphasized that in the initial stages of the operation, partly by exceeding his own powers and on his own initiative, he assigned all troops that could one way or another be assembled. The large booty of heavy and extra heavy weapons confirms all the statements by prisoners to the effect that the Moscow Central Command regard the large marshy area between Polozk and Borrissow as a troop concentration area. The destruction by the Luftwaffe of 50 troop or cargo-carrying gliders and one Russian plane, and that of four of our own planes by enemy anti-aircraft fire, indicates the excellent organization of the enemy. In this connection, the use of the Luftwaffe against partisan groups of some size must be stressed. The decisive crises could only be overcome by the heroic action of the crews of the aircrafts made available by Air Fleet 6. Our own encircled forces, sometimes whole battalions, were supplied from the air, not only with ammunition but also with food, by continuous service of our flight units. But the decisive factor for the general success of the operation was the fact that the responsible commander of the operation, SS Brigadefuehrer and Brigadier General of the Police von Gottberg, kept his head. Apart from the tremendous number of enemy dead and the large booty of weapons, especially those of extra heavy caliber, the total success of this major operation is brought home by the fact that among the large number of enemy dead there was also the Bolshevist Brigade Commander Kolja (code name), the man who last fall had been put in charge of all partisan forces in White Ruthenia by the Moscow Central Command. The wiping out of the enemy's central command organization has been confirmed by the capture or destruction of radio stations which had been verified months ago by the Wehrmacht radio detection posts. The

seriousness of the battle and the number of our own losses, furthermore, the fact that the local population supported partisan operations, fanatically and voluntarily, especially by the laying of mines on our rear lines of communication, demand elimination of all human consideration for this population. For the same decisive reasons, and in the interest of the security of the troops, the assignment for labor could only be justified in operational border areas. It is impossible to report the figures involved since they can only be estimated. The hitherto unknown high number of mines in the whole area necessitates special protective measures for the life and security of our troops. Approximately 2,000 to 3,000 local people lost their lives in the cleaning-up of the minefields.

Enemy losses.

Killed in battle	6042
Liquidated [erledigte]	3709
Prisoners	599

Assigned for labor.

Men	4900
Women	600

Our losses.

Germans	killed	3 officers (one of these a battalion commander) 85 noncommissioned officers and men
	wounded	10 officers (2 of these regimental commanders) 373 noncommissioned officers and men
	missing	3 noncommissioned officers and men
Non-Germans	killed	39
	wounded	152
	missing	4

Booty

19 guns, 7.62 cm	113,025 rounds of rifle ammunition
9 antitank guns	7,530 rounds of pistol ammunition
1 antiaircraft gun	2,404 kg of explosives
18 mortars	36 boxes of explosive

30 heavy machine guns
31 light machine guns
16 antitank rifles
45 submachine guns
903 rifles
303 bombs
1,533 grenades
1,543 mines
14 boxes of detonators
6 boxes of packets of Eukrasit
305 electric fuses
1,053 rounds of tank munition
2 dispensaries with surgical and dental instruments
1 printing press

Noncountable equipment—signal pistols, machine gun and submachine gun drums, horse saddles, typewriters, telephone instruments, hand-grenades, cartridges, sewing machines, bicycles, harnesses, field-kitchens, gas cans, uniforms, parachutes, propaganda materials, filing cabinets, photographic post, film equipment, silencers, medical library, etc.

Destroyed—194 partisan camps consisting partly of buildings used for housing bakeries, slaughterhouses, dyeing plants, grain storage sheds. 422 block houses [Bunkers] were blown up.

The following of our own vehicles were destroyed by mines:

4 motor cars
2 trucks
1 armored car
2 tanks

Collection of country produce:

3,228 heads of cattle
2,182 sheep
903 horses
664 tons of grain
430 sledges
181 carts

The work of collecting and cleaning-up is still in progress. The results of this work will be reported at a later date.

Signed: VON DEM BACH [von dem Bach-Zelewski]

SS Lieutenant General and Lieutenant General of the Police

Certified:
Signature:
Police Captain.
Certified true copy.
[Illegible signature.]

TRANSLATION OF DOCUMENT NG–3295
PROSECUTION EXHIBIT 1384

TELEGRAM FROM KASCHE, GERMAN MINISTER TO CROATIA, TO THE FOREIGN OFFICE, 25 JUNE 1943, CONCERNING THE "RUTHLESS METHODS OF RECRUITING" OF "ETHNIC GERMANS" BY THE WAFFEN SS IN CROATIA

Telegram

(Secret Teletypewriter)

Zagreb: 25 June 1943, 14.50 hours
Received: 25 June 1943, 15.50 hours

Urgent!

No. 2584 dated 25 June.

Situation among the ethnic Germans caused by ruthless methods of recruiting, regardless of all regulations on the part of the Waffen SS recruiting offices, is critical. As Altgayer has not explained the situation to his representative Klicker or told him anything about his latest agreements with the Waffen SS, and as Waffen SS excludes the ethnic German Military District Headquarters, the ethnic group leadership can at present no longer exercise any supervision of, or control over, men under arms. In view of the unusual high percentage of the male population in the armed services and the state of unrest in the country, these arbitrary methods can no longer be tolerated. Klicker, therefore, has taken it upon himself not to pass on the latest calling-up orders of SS Brigadier General Kammerhofer. I have therefore decided to call together next week Klicker, Commandant of the Ethnic German Military District Command, Kammerhofer, and the German Plenipotentiary General [sic] and hold a discussion. It is my intention to draw up at this meeting clear and reasonable regulations on the strength of former agreements made with the Croatian Government and those between SS Lieutenant General Lorenz and SS Lieutenant General Berger. Should the discussion prove fruitless as regard some points, I will see that a comprehensive report is made, based upon the minutes of the discussion, quoting the points in dispute, so that a decision can be taken on these on your side. Please advise Repatriation Office for Ethnic Germans, [Volksdeutsche Mittelstelle] but do nothing more for the time being. Please explain on what authority Kammerhofer interferes in the military service of the ethnic group. Nothing is contained about his being assigned to do this in the Fuehrer order in my possession.

Signed: KASCHE

[Stamp]
Distribution:
To Inland II
Reich Foreign Minister
State Secretary
Office Reich Foreign Minister
Ambassador Ritter
[remainder of stamp illegible]

TRANSLATION OF DOCUMENT 1422-PS
PROSECUTION EXHIBIT 2456

13TH DECREE ON THE REICH CITIZENSHIP LAW, 1 JULY 1943, SIGNED BY FRICK, BORMANN, DEFENDANT SCHWERIN VON KROSIGK, AND THIERACK, PROVIDING THAT CRIMES OF JEWS ARE TO BE PUNISHED BY POLICE, THE CONFISCATION BY THE REICH OF THE PROPERTY OF DECEASED JEWS, AND RELATED MATTERS

1943 REICHSGESETZBLATT, PART I, PAGE 372
13th Decree to the Reich Citizenship Law, 1 July 1943

Under Article 3 of the Reich Citizenship Law of 15 September 1935 (RGBl I, p. 1146), the following is ordered:

Article 1

1. Criminal actions committed by Jews shall be punished by the police.*

2. The provision of the Polish penal laws of 4 December 1941 (RGBl I, p. 759), shall no longer apply to Jews.

Article 2

1. The property of a Jew shall be confiscated by the Reich after his death.

* Correspondence between various Reich leaders and agencies preceded the issuance of this decree. A part of this correspondence is reproduced in the materials on the Justice case, Volume III, this series. Thierack, the Reich Minister of Justice, in a letter to Bormann, dated 13 October 1942, stated: "With a view to freeing the German people of Poles, Russians, Jews, and gypsies, and with a view to making the eastern territories incorporated into the Reich available for settlements of German nationals, I intend to turn over criminal proceedings against Poles, Russians, Jews, and gypsies to the Reich Leader SS. In so doing I work on the principle that the administration of justice can make only a small contribution to the extermination of members of these peoples * * *. I am, on the other hand, of the opinion that considerably better results can be accomplished by surrendering such persons to the police, who can then take the necessary measures unhampered by any legal criminal evidence * * *." (Doc. NG-558, Pros. Ex. 143, Vol. III). Concerning this decree, Kaltenbrunner, in a letter to the Reich Minister of the Interior, dated 8 March 1943, stated: "The provision according to which the application of criminal law against Jews is transferred from the judicial authorities to the police is based on an agreement between the Reich Leader SS and the Reich Minister of Justice, Dr. Thierack." (Doc. NG-151, Pros. Ex. 204, Vol. III).

2. The Reich may, however, grant compensation to the non-Jewish legal heirs and persons entitled to sustenance who have their domicile in Germany.

3. This compensation may be granted in the form of a lump sum, not to exceed the ceiling price of the property which has passed into possession [Verfuegungsgewalt] of the German Reich.

4. Compensation may be granted by the transfer of titles and assets from the confiscated property. No costs shall be imposed for the legal processes necessary for such transfer.

Article 3

The Reich Minister of the Interior with the concurrence of the participating higher authorities of the Reich shall issue the legal and administrative provisions for the administration and enforcement of this regulation. In doing so he shall determine to what extent the provisions shall apply to Jewish nationals of foreign countries.

Article 4

This regulation shall take effect on the seventh day of its promulgation. In the Protectorate Bohemia and Moravia it shall apply where German administration and German courts have jurisdiction; Article 2 shall also apply to Jews who are citizens of the Protectorate.

Berlin, 1 July 1943

The Reich Minister of the Interior
FRICK

Chief of the Party Chancellery
M. BORMANN

Reich Minister of Finance
COUNT SCHWERIN VON KROSIGK

Reich Minister of Justice
DR. THIERACK

PARTIAL TRANSLATION OF DOCUMENT NO-2287-A
PROSECUTION EXHIBIT 1098

TELETYPE FROM HIMMLER TO DEFENDANT BERGER, 5 JULY 1943, GIVING NOTICE THAT HITLER HAS AWARDED THE GERMAN CROSS IN SILVER TO BERGER FOR HIS WORK IN THE RECRUITMENT AND IDEOLOGICAL TRAINING OF THE SS AND POLICE AND IN ACQUIRING ETHNIC GERMAN AND GERMAN VOLUNTEERS FOR THE SS

[Handwritten note] SS-PHA [SS Personnel Main Office] Diary No. 1398/435 5 July 1943/b

Teletype [Illegible initial]

To the Chief of SS Main Office SS Lieutenant General Berger

Berlin

Dear Berger,

I have the very special pleasure to inform you in this manner that the Fuehrer, on my proposal, in appreciation of the great merits which you have gained in the recruitment and ideological training of the SS and Police, and in particular for the acquisition of the ethnic German and Germanic Volunteers, has bestowed upon you the German Cross in silver. My sincere and cordial congratulations thereon.

Heil Hitler!

In cordial friendship Yours

[Signed] H. HIMMLER

* * * * * * *

PARTIAL TRANSLATION OF DOCUMENT NO–2034
PROSECUTION EXHIBIT 3354

LETTER FROM RUDOLF BRANDT TO THE DEFENDANT BERGER, 12 JULY 1943, TRANSMITTING HIMMLER'S ORDER OF 10 JULY 1943 ON THE EVACUATION OF INHABITANTS OF PARTS OF OCCUPIED RUSSIA AND THE UTILIZATION FOR LABOR OF THE ADULTS AND CHILDREN AFFECTED

The Reich Leader SS
Personal Staff
Registry No. 39/160.43g

Bn.

Field Headquarters 12 July 1943
[Stamp]
Personal Staff Reich Leader SS
Records Office
File No. Secret 227
Secret

To the Chief of the SS Main Office
SS Lieutenant General Berger
Berlin

Dear Lieutenant General!

Enclosed please find a copy of a letter of the Reich Leader SS to the Chief of the Anti-Partisan Forces, the Higher SS and Police Leader Ukraine-Russia-South and the Higher SS and Police Leader Central Russia. Please take note of the contents and inform the Reich Minister for the Eastern Territories.

Heil Hitler!

[Initials] R B [RUDOLF BRANDT]
SS Lieutenant Colonel

1 Enclosure

Copy

The Reich Leader SS

227 —3—
10 July
Field Headquarters, 10 July 1943

To

1. Chief, Anti-Partisan Forces
2. Higher SS and Police Leader, Ukraine
3. Higher SS and Police Leader, Central Russia
4. SS Lieutenant General Berger
5. SS Lieutenant General Backe

(1) The Fuehrer has decided that the partisan-infested areas of the north Ukraine and Central Russia are to be evacuated of their entire population

(2) The entire able-bodied male population will be assigned to the Reich Commissioner for Allocation of Labor, in accordance with arrangements yet to be decided upon—under conditions applicable to prisoners of war, however.

(3) The female population will be assigned to the Reich Commissioner for Allocation of Labor for employment in the Reich.[1]

(4) A part of the female population and all orphaned children will enter our reception camps [Auffangslager].

(5) In accordance with an agreement yet to be reached with the Reich Minister for Food and the Minister for Occupied Eastern Territories, the Higher SS and Police Leaders are to arrange, as far as is practicable, for the farming of the areas evacuated of their population; to have them planted, in part, with Kok-Sagys and to utilize them for agricultural purposes, as far as possible. The children's camps are to be located at the border of these areas, so that the children will be available as manpower for the cultivation of Kok-Sagys and for agriculture.

[Signed] H. HIMMLER

TRANSLATION OF DOCUMENT NO–1649
PROSECUTION EXHIBIT 3273

MEMORANDUM FROM THE SS COURT MAIN OFFICE TO THE SS MAIN OFFICE, 12 JULY 1943, CONCERNING "COMPULSORY MILITARY SERVICE FOR ETHNIC GERMANS OF FOREIGN NATIONALITY"

Copy

Enclosure 1

Ia 155 Journal No. 35/42 — 12 July 1943
28 a

Subject: Compulsory military service for ethnic Germans of foreign nationality.

Reference: none

Enclosures: 1 copy

To SS Main Office

Berlin

I hereby forward to you for your information enclosed copy of a letter from the SS judge assigned to the Reich Leader SS dated 19 June 1943.[2] In order to be able to outline the rules desired by the Reich Leader SS to govern the registration of ethnic Germans for military service in a legally acceptable form,

[1] More extensive evidence concerning the procurement and utilization of labor from German occupied Russia is reproduced below in section XI B (Slave Labor).

[2] The enclosure was not a part of the exhibit offered in evidence.

it will be necessary first of all to determine which directives have thus far been issued in this matter, and what legal basis they have. As I have in the meantime ascertained, there exist, for example, orders governing the question of military service of resettlers "liable to such service" issued by the High Command of the Armed Forces with the approval of the Reich Commissioner for the Strengthening of Germanism (compare for instance "General Army Bulletin" 1943, p. 246). The SS Court Main Office has thus far not dealt with the question of general military service, since the relevant cases apparently are prepared in other offices, for instance in the SS Main Office. I therefore request information about the present status of the matter, in particular concerning the practical procedure followed in the drafting of replacements from among ethnic Germans in the various territories. For instance the SS and Police Court in Belgrade reported on 14 August 1942 that the SS volunteer division "Prince Eugen" no longer was an organization of volunteers, that on the contrary, the ethnic Germans from the Serbian Banat were "drafted to a large extent under threat of punishment by the local German leadership, and later by the replacement agency." If this should be the case, I request information about the regulations which can be used as a basis for such threat of punishment. From correspondence carried on some time ago by the headquarters of the Waffen SS I believe I can conclude that the SS Leadership Main Office does not so far assume general military service for ethnic Germans, but it also is making an attempt to arrive at a basic decision in this matter, I suggest that other interested agencies be contacted now to cooperate in preparing the directives of the Reich Leader SS, so far as this is deemed expedient on their part.

I should be grateful for a prompt reply.

For the Chief SS Court Main Office as Deputy:

Signed: DR. REINECKE

SS Colonel and Chief of Office

TRANSLATION OF DOCUMENT NO–348
PROSECUTION EXHIBIT 1101

LETTER FROM ALFRED ROSENBERG TO DEFENDANT BERGER, 10 AUGUST 1943, CONFERRING UPON BERGER THE MANAGEMENT OF THE POLITICAL LEADERSHIP STAFF OF THE REICH MINISTRY FOR THE OCCUPIED EASTERN TERRITORIES

Copy for the Minister's Office

Berlin, 10 August 1943

The Reich Minister for the Occupied Eastern Territories

SS Lieutenant General and
Lieutenant General of the Waffen SS Berger
30/31 Hohenzollerndamm
Berlin-Wilmersdorf 1

In agreement with the Reich Leader SS I am herewith conferring upon you the management of the newly formed Political Leadership Staff [die Leitung des neugebildeten Fuehrungsstabes Politik] of the Reich Ministry for the Occupied Eastern Territories.

Signed: ROSENBERG

TRANSLATION OF DOCUMENT NO–349
PROSECUTION EXHIBIT 1102

NOTE OF MEYER OF THE EAST MINISTRY, 10 AUGUST 1943, CONCERNING THE ESTABLISHMENT OF THE POLITICAL LEADERSHIP STAFF IN THE EAST MINISTRY

Copy for the Minister's Office

For Publication in the Official Journal

Political Leadership Staff

The hitherto existing Political Department [Hauptabteilung Politik] is converted into a Political Leadership Staff. A special decree will regulate the organization of the Political Leadership Staff. Until then the hitherto existing organization will remain.

Ministerial Director Dr. Leibbrandt, Chief of the former Political Department, upon his own request, has been granted leave until further notice for reasons of health. SS Lieutenant General and Lieutenant General of the Waffen SS Berger, who retains his sphere of work in the SS Main Office as before, is charged with the direction of the Political Leadership Staff.

953402—52——21

The Political Leadership Staff, until further notice, will bear reference number I. The individual departments will keep their old reference numbers until the reorganization is effected.

As Deputy:

ALFRED MEYER

II 1 c 1365
II Pers. a 1390 (Berger)
10 August 1943

PARTIAL TRANSLATION OF DOCUMENT 1919-PS PROSECUTION EXHIBIT 2368

EXTRACTS FROM THE SPEECH OF HIMMLER AT A POZNAN MEETING OF SS MAJOR GENERALS, 4 OCTOBER 1943, CONCERNING THE ROLE OF GERMANY AND GERMAN BLOOD IN HISTORY, UTILIZATION OF OTHER NATIONALITIES FOR GERMANY'S PURPOSES, EXTERMINATION OF THE JEWISH RACE, ROLE OF THE SS, AND RELATED MATTERS*

Speech of the Reich Leader SS at the meeting of the SS Major Generals at Poznan, 4 October 1943

Memorial Service for the War Dead

In the months that have gone by since we met in June 1942 many of our comrades were killed, giving their lives for Germany and the Fuehrer. In the first rank—and I ask you to rise in his honor and in honor of all our dead SS men, soldiers, men, and women—in the first rank our old comrade and friend from our ranks, SS Lieutenant General Eicke. (The [SS] Gruppenfuehrers have risen from their seats.) Please be seated.

The Situation in the Fifth Year of War

I have considered it necessary, now at the beginning of the fifth year of war, to call you, the high leader corps of the SS and Police together. Sober as we always were, truthful toward ourselves, we will discuss several matters in this troop leader meeting [Truppenfuehrerbesprechung]. Just as I was accus-

* Document 1919-PS was introduced in the IMT trial as Exhibit USA-170 and the full German text appears in Trial of the Major War Criminals, volume XXIX, pages 110-173. The original was found in Rosenberg's files, a large collection of materials which Rosenberg desired to preserve and which fell into Allied hands. During the course of the Ministries trial, the Rosenberg files were rescreened and 44 records were discovered to be a phonographic recording of Himmler's Poznan speech of 4 October 1943. During the cross-examination of Berger, who denied that the transcript of the speech (Doc. 1919-PS) showed accurately what Himmler actually said at this conference of SS generals, the prosecution introduced the 44 records in evidence (Doc. NO-5909, Pros. Ex. 3507). Parts of the phonographic recording were heard in open Court while defendant Berger was still on the witness stand. See extracts from the testimony of defendant Berger reproduced later in this section.

tomed to do during long years of peace, I will give you my opinion of the situation, as I see it, about our tasks, about what we have done and achieved, as well as about what the future holds for us, as briefly as possible.

The Russian Leadership

First of all the war situation. I start with Russia. When, I think it was in 1937 or 1938, in Moscow the big show trials took place and the former Czarist corporal and later Bolshevist General Tuchatschweski [Tukhachevski] and other generals were shot, at that time people all over Europe, also we in the Party and the SS, were of the opinion that the Bolshevist system and Stalin had made one of its biggest mistakes. We were entirely mistaken in our judgment of the situation. That we can truthfully say. I think Russia could not have lasted through 2 years of war—and it is now the third year of war—if it had kept the former Czarist generals. I emphasize, it has made the political commissioner a general, or chosen him who came of the ranks of the Red Army as a commander in such a way that he could be a political commissioner at the same time. That as far as is shown in transcript. The most fanatic advocate of the Bolshevist doctrine, I would like to call it, not ideology, is there at the same time as commissioner and leader.

The 1941 attack.—In 1941 the Fuehrer attacked Russia. That was, as we can well see now, shortly—perhaps 3 to 6 months—before Stalin prepared to embark on his great penetration into central and western Europe. I can give a picture of this first year in a few words. The attacking forces cut their way through. The Russian Army was herded together in great pockets, ground down, taken prisoner. At that time we did not value the mass of humanity as we value it today, as raw material, as labor. What after all, thinking in terms of generations, is not to be regretted but is now deplorable by reason of the loss of labor, is that the prisoners died, in tens and hundreds of thousands, of exhaustion and hunger.

* * * * * * *

It is basically wrong for us to infuse all our inoffensive soul and spirit, our good nature, and our idealism into foreign peoples. This is true since the time of Herder who clearly wrote "Voices of the nations" [Stimmen der Voelker] when in a state of drunkenness, thereby bringing on us, who come after him, such immeasurable sorrow and misery. This is true for instance, of the Czechs and the Slovenes to whom we gave their consciousness of nationality. They were just not capable of it themselves; we had to discover it for them.

One basic principle must be the absolute rule for the SS men—we must be honest, decent, loyal, and comradely to members of our own blood and to nobody else. What happens to a Russian, or to a Czech does not interest me in the slightest. What the nations can offer in the way of good blood of our type we will take, if necessary by kidnapping their children and raising them here with us. Whether nations live in prosperity or starve to death interests me only so far as we need them as slaves for our culture; otherwise, it is of no interest to me. Whether 10,000 Russian females fall down from exhaustion while digging an antitank ditch interests me only so far as the antitank ditch for Germany is finished. We shall never be rough and heartless when it is not necessary, that is clear. We Germans, who are the only people in the world who have a decent attitude toward animals, will also assume a decent attitude toward these human animals. But it is a crime against our own blood to worry about them and give them ideals, thus causing our sons and grandsons to have a more difficult time with them. When somebody comes to me and says: "I cannot dig the antitank ditch with women and children, it is inhuman, for it would kill them," then I have to say, "You are a murderer of your own blood because if the antitank ditch is not dug, German soldiers will die, and they are sons of German mothers. They are our own blood." That is what I want to instill into this SS—and what I believe have instilled into them—as one of the most sacred laws of the future. Our concern, our duty is our people and our blood. It is for them that we must provide and plan, work and fight, nothing else. We can be indifferent to everything else. I wish the SS to adopt this attitude to the problem of all foreign, non-Germanic peoples, especially Russians. All else is vain, fraud against our own nation, and an obstacle to the early winning of the war.

Russian Soldiers on our Side

One thing must be understood in this war—it is better that a Russian dies than a German. When we employ Russians, the principle is to mix them in a ratio of 1:2 or 1:3 with Germans. The best thing is that you use Russians singly, then you can ride with them in a tank. One Russian with two or three Germans in a tank, marvelous, nothing at all. The only thing you have to avoid is letting the Russian meet other Russian tank drivers, lest these fellows conspire. If for some reason, however, you desire companies made up entirely of Russians, then gentlemen take care—and this is not just an idea, but this is an order—that this company has your informer set-up, your NKVD organization. Then you can rest quietly. Besides—this is one of the earliest

lessons that I have taught—take care that these subhuman beings always look in your face, that they always have to look their superiors in the eye. That is as with animals. As long as it looks its tamer in the eye it won't do anything. But never forget —it is a beast. With this attitude we can make use of the Russian, with this attitude we shall always be superior to the Slav.

* * * * * * *

Foreigners in the Reich

We must also realize that we have 6 to 7 million foreigners in Germany. Perhaps it is even 8 million now. We have prisoners in Germany. None of them are dangerous so long as we take severe measures at the merest trifles. It is a mere nothing today to shoot 10 Poles, compared with the fact that we might later have to shoot tens of thousands in their place and compared to the fact that the shooting of these tens of thousands would then be carried out even at the cost of German blood. Every little fire will immediately be stamped out and quenched, and extinguished—otherwise—as in the case of a real fire—a political and psychological surface fire may spring up among the people.

The Communists in the Reich

I don't believe the Communists could attempt any action, for their leading elements, like most criminals, are in our concentration camps. And here I must say this—that we shall be able to see after the war what a blessing it was for Germany that in spite of the silly talk about humanitarianism, we imprisoned all this criminal substratum of the German people in concentration camps. I'll answer for that. If they were going about free, we would be worse off. For then the subhumans would have their NCOs and commanding officers, then they would have their councils of workers and military. As it is, however, they are locked up and are making shells or projectile cases or other important things and are very useful members of human society.

* * * * * * *

Chief of the Anti-Partisan Units [*Bandenkampf-Verbaende*]

In the meantime I have also set up the department of Chief of the Anti-Partisan Units. Our comrade SS Lieutenant General von dem Bach [Bach-Zelewski] is Chief of the Anti-Partisan Units. I considered it necessary for the Reich Leader SS to be in authoritative command in all these battles, for I am convinced that we are best in a position to take action against this enemy struggle, which is a decidedly political one. Except where the units have been supplied and which we had formed for this pur-

pose were taken from us to fill in gaps at the front, we have been very successful.

It is notable that, by setting up this department we have gained for the SS in turn a division, a corps, an army, and the next step, which is the headquarters of an army or even of a [army] group—if you wish to call it that.

Uniformed Police and the Security Police

Now to deal briefly with the tasks of the regular Uniformed Police and the Security Police. They still cover the same field. I can see that great things have been achieved. We have formed roughly 30 police regiments from police reservists and former members of the police—police officials, as they used to be called. The average age in our police battalions is not lower than that of the security battalions of the armed forces. Their achievements are beyond all praise. In addition, we have formed police rifle regiments by merging the indigenous security battalions of the "savage peoples" [wilden Voelker]. Thus, we did not leave these police battalions untouched but blended them in the ratio of about 1:3. That is why we have, at the present moment of crisis, a far greater stability than could be seen among the other units made up of natives or local inhabitants.

* * * * * * *

The other side doesn't make life easy for us. And you must not forget that the fortunate position in which we are placed by occupying large parts of Europe carries with it also the disadvantage that in this way we have among ourselves, and thus against us, millions of people and dozens of foreign nationalities. Automatically, we have against us all those who are convinced Communists, we have against us every Free Mason, every Democrat, every convinced Christian. These are the ideological enemies whom we have against us all over Europe and whom the enemy has totally for himself.

* * * * * * *

SS Industrial Concerns

I now come to other individual great spheres of activity, of which it is important for you all to know. We have huge armament works in the concentration camps. This is the sphere of activity of our friend SS Lieutenant General Pohl. Every month we put in many millions of hours of work for armaments. We tackle the most thankless tasks and—I must give this its due—whether in the concentration camps, in Pohl's industrial works, or outside at the offices of the Higher SS and Police Leaders, or

in the workshops of the SS Leadership Main Office, one thing is obvious—wherever we are, we are SS men. Where things are in a bad way, we act. I want every subordinate trained to this end. We want to help, unhampered by quibbles regarding authority, for we want to win the war. What we are doing, we are doing for Germany. Whether it is a question of building a road, if a tunnel is not going ahead somewhere, or if it is an invention which for sheer red tape does not come to fruition, or anything else; where we can get to work, we get to work. What we are doing in our armament works will be a remarkable and noteworthy achievement, even if we can only assess it and prove it when the war is ended.

The Evacuation of the Jews

I also want to talk to you, quite frankly, on a very grave matter. Among ourselves it should be mentioned quite frankly, and yet we will never speak of it publicly. Just as we did not hesitate on 30 June 1934 to do the duty we were bidden and stand comrades who had lapsed up against the wall and shoot them, so we have never spoken about it and will never speak of it. It was that tact which is a matter of course and which I am glad to say, is inherent in us, that made us never discuss it among ourselves, never speak of it. It appalled everyone, and yet everyone was certain that he would do it the next time if such orders are issued and if it is necessary.

I mean the evacuation of the Jews, the extermination of the Jewish race. It's one of those things it is easy to talk about, "The Jewish race is being exterminated," says one Party Member, "that's quite clear, it's in our program—elimination of the Jews and we're doing it, exterminating them." And then they come, 80 million worthy Germans, and each one has his decent Jew. Of course the others are vermin, but this one is an A-1 Jew. Not one of all those who talk this way has watched it, not one of them has gone through it. Most of *you* must know what it means when 100 corpses are lying side by side, or 500, or 1,000. To have stuck it out and at the same time—apart from exceptions caused by human weakness—to have remained decent fellows, that is what has made us hard. This is a page of glory in our history which has never been written and is never to be written, for we know how difficult we should have made it for ourselves, if with the bombing raids, the burdens and the deprivations of war we still had Jews today in every town as secret saboteurs, agitators, and troublemongers. We would now probably have reached the 1916–1917 stage when the Jews were still in the German national body.

We have taken from them what wealth they had. I have issued a strict order, which SS Lieutenant General Pohl has carried out, that this wealth should, as a matter of course, be handed over to the Reich without reserve. We have taken none of it for ourselves. Individual men who have lapsed will be punished in accordance with an order I issued at the beginning which gave this warning; whoever takes so much as a mark of it is a dead man. A number of SS men—there are not very many of them—have fallen short, and they will die without mercy. We had the moral right, we had the duty to our people, to destroy this people which wanted to destroy us. But we have not the right to enrich ourselves with so much as a fur, a watch, a mark, or a cigarette, or anything else. Because we have exterminated a germ, we do not want in the end to be infected by the germ and die of it. I will not see so much as a small area of sepsis appear here or gain a hold. Wherever it may form, we will cauterize it. Altogether however, we can say that we have fulfilled this most difficult duty for the love of our people. And our spirit, our soul, our character has not suffered injury from it.

* * * * * * *

The Principle of Selection

We are a product of the law of selection. We have made our choice from a cross-section of our people. This people came into being aeons ago, through generations, and centuries, by the throw of the dice of fate and of history. Alien peoples have swept over this people and left their heritage behind them. Alien blood streams have flowed into this people, but it has, nevertheless in spite of horrible hardships and terrible blows of fate, still had strength in the very essence of its blood to win through. Thus, this whole people is saturated with and held together by Nordic—Phalian—Germanic blood, so that after all one could and can still speak of a German people. From this people of such varied hereditary tendencies as it emerged from the collapse after the years of the battle of liberation, we have now consciously tried to select the Nordo-Germanic blood, for we could best expect this section of our blood to contain the creative, heroic, and life preserving qualities of our people. We have gone partly by outward appearances and for the rest have kept these outward appearances in review by making constantly new demands, and by repeated tests both physical and mental, both of the character and the soul. Again and again we have sifted out and cast aside what was worthless, what did not suit us. Just as long as we have strength to do, thus will this organization [Orden] remain healthy. The moment we forget the law which is the foundation of our

race and the law of selection and austerity toward ourselves, we shall have the germ of death in us and will perish, just as every human organization, every blossom in this world, does some time perish. It must be our endeavor, our inner law, to make this blossoming and fructifying last for our people as long as possible, bringing as much prosperity as possible and—don't be alarmed—if possible for thousands of years. That is why, wherever we meet and whatever we do, we must be mindful of our principle—blood, selection, and austerity. The law of nature is just this—What is hard is good, what is vigorous is good; whatever wins through in the battle of life, physically, purposefully, and spiritually, that is what is good—always taking the long view. Of course sometime—and this has happened often in history—someone can get to the top by deceit and cheating. That makes no difference to nature, to the fate of the earth, or to the fate of the world. Really, that is nature. Fate removes the impostor after a time—time not reckoned in generations of man but in historical periods. It must be our endeavor never to deceive ourselves but always to remain genuine, that is what we must continually preach and instill into ourselves, and into every boy and each one of our subordinates.

The SS After the War

One thing must be clear. One thing I would like to say to you today, the moment the war is over we will really begin to weld together our organization, this organization which we have built up for 10 years, which we imbued and indoctrinated with the first most important principles during the 10 years before the war. We must continue to do this—we—if I may say so, we older men—for 20 years full of toil and work, so that a tradition 30, 35, 40 years, a generation, may be created. Then this organization will march forward into the future young and strong, revolutionary and efficient to fulfill the task of giving the German people, the Germanic people, the superstratum of society which will combine and hold together this Germanic people and this Europe, and from which the brains which the people need for industry, farming, politics, and as soldiers, statesmen, and technicians, will emerge. In addition, this superstratum must be so strong and vital that every generation can unreservedly sacrifice two or three sons from every family on the battlefield, and that nevertheless the continued flowing of the bloodstream is assured.

* * * * * * *

* * * * * * *

When the war is won—then, as I have already told you, our work will start. We do not know when the war will end. It may be sudden, or it may be long delayed. We shall see. But I say to you *now,* if an armistice and peace comes suddenly, let no one think that he can then sleep the sleep of the just. Get all your commanders, chiefs, and SS Fuehrers attuned to this; only then, gentlemen, shall we be awake, for then, so many others will fall into this sleep. I am going so to rouse the whole SS, and keep it so wide awake that we can tackle reconstruction in Germany immediately. Then Germanic work will be begun immediately in the General SS, for then the harvest will be ripe to be taken into the granary. We shall then call up age groups there by law. We shall then immediately put all our Waffen SS units into excellent form, both as regards equipment and training. We shall go on working in this first 6 months after the war, as though the big offensive were starting on the next day. It will make all the difference, if Germany has an operative reserve, an operative backing, at the peace or armistice negotiations, of 20, 25, or 30 SS divisions intact.

If the peace is a final one, we shall be able to tackle our great work of the future. We shall colonize. We shall indoctrinate our boys with the laws of the SS organization. I consider it to be absolutely necessary to the life of our peoples, that we should not only impart the meaning of ancestry, grandchildren, and future, but feel these to be a part of our being. Without there being any talk about it, without our needing to make use of rewards and similar material things, it must be a matter of course that we have children. It must be a matter of course that the most copious breeding should be from this racial superstratum of the Germanic people. In 20 to 30 years we must really be able to present the whole of Europe with its leading class. If the SS, together with the farmers—we *together with our friend Backe,* then run the colony in the East on a grand scale, without any restraint, without any question about any kind of tradition, but with nerve and revolutionary impetus, we shall in 20 years push the national boundary [Volkstumsgrenze] 500 kilometers eastward.

I requested of the Fuehrer already today, that the SS—if we have fulfilled our task and our duty by the end of the war—should have the privilege of holding Germany's eastern-most frontier as a defense frontier. I believe this is the only privilege for which we have no competitors. I believe not one person will dispute our claim to this privilege. We shall be in a position

there to train every young age group in the use of arms. We shall impose our laws on the East. We will charge ahead and push our way forward little by little to the Urals. I hope that our generation will successfully bring it about that every age group has fought in the East, and that every one of our divisions spends a winter in the East every second or third year. Then we shall never grow soft, then we shall never get SS members who only come to us because it is distinguished or because the black coat will naturally be very attractive in peacetime. Everyone will know that "if I join the SS, there is the possibility that I might be killed." He has contracted in writing that every second year he will not dance in Berlin, attend the carnival in Munich, but that he will be posted to the Eastern Frontier in an ice-cold winter. Then we will have a healthy elite for all time. Thus, we will create the necessary conditions for the whole Germanic people and the whole of Europe: controlled, ordered, and led by us, the Germanic people, to be able in generations to stand the test in her battles of destiny against Asia which will certainly break out again. We do not know when that will be.

Then, when the mass of humanity of one to one and one-half billions line up against us, the Germanic people numbering, I hope, 250 to 300 millions and the other European peoples making a total of 600 to 700 millions (and with an outpost area stretching as far as the Urals or a hundred miles beyond the Urals) must stand the test in its vital struggle against Asia. It would be an evil day if the Germanic people did not survive it. It would be the end of beauty and culture, of the creative power of this earth. That is the distant future. It is for that we are fighting, pledged to hand down the heritage of our ancestors.

We see into the distant future because we know what it will be. That is why we are doing our duty more fanatically than ever, more devoutly than ever, more bravely, more obediently, and more thoroughly than ever. We want to be worthy of being permitted to be the first SS men of the Fuehrer Adolf Hitler in the long history of the Germanic people which stretches before us.

Now let us remember the Fuehrer Adolf Hitler who will create the Germanic Reich and will lead us into the Germanic future.

Our Fuehrer, Adolf Hitler, Sieg Heil, Sieg Heil, Sieg Heil.

TRANSLATION OF DOCUMENT NO–4670
PROSECUTION EXHIBIT 2340

DIRECTIVE OF HIMMLER, 1 JANUARY 1944, APPOINTING FICK INSPECTOR OF IDEOLOGICAL TRAINING OF THE SS AND POLICE AND SUBORDINATING HIM TO DEFENDANT BERGER

The Reich Leader SS

Command Post in the Field, 1 January 1944

[Stamp]

Personal Staff of the Reich Leader SS

Document Control File No. secret 353

Subject: Inspector of Ideological Training

Reference: Order dated 25 April 1940

As from 1 January 1944, I hereby appoint the SS Senior Colonel Fick Inspector of the entire Ideological Training of the SS and the Police.

He will be directly subordinated to the Chief of the SS Main Office. Implementing regulations supplementing this order will be issued by the Chief of the SS Main Office.

[Initials] H. H. [H. HIMMLER]

[Handwritten] Original handed to [SS] Lieutenant General Berger

[Initials] BR. [BRANDT]

14 January

PARTIAL TRANSLATION OF DOCUMENT NG–1689
PROSECUTION EXHIBIT 1749

MEMORANDUM FROM DEFENDANT STEENGRACHT VON MOYLAND TO ROSENBERG, 22 JANUARY 1944, SUGGESTING THE APPOINTMENT OF A LIAISON OFFICER TO THE "OFFICE FOR ANTI-JEWISH ACTIVITY ABROAD" OF THE FOREIGN OFFICE AND OTHER MEANS OF COLLABORATION

[Handwritten] Submitted to Rosenberg on 25 January

[Stamp]

Register Office Rosenberg
Entered No.
305 Mo on 1 February 44 file 1
Foreign Office Nr. Inland II

[Handwritten]
To be entered.
Send copy to Staff Leader

26 January

Delivered by Party Member Hagemeyer, 25 January 44
Send copy to Mr. Sch. for his information.

Berlin W 8, 22 January 1944
75 Wilhelmstrasse

Dear Reich Minister:

In the interest of an intensified collaboration between the Foreign Office and the Rosenberg office in the field of the anti-Jewish struggle [antijuedischen Kampfes], I should like to suggest that a member of your office be appointed permanent liaison officer to the "Office for Anti-Jewish Activity Abroad" [Antijuedischen Auslandsaktionsstelle] of my office.

Should you agree to this proposal in consideration of the exceedingly productive collaboration between the Foreign Office and Dienstleiter Hagemeyer, I would especially welcome your choosing Party Member Hagemeyer.

Furthermore, I should like to ask your consent for Dr. Klaus Schickert, commissioned with the management of the Reich Institute for Research on the Jewish Question at Frankfurt-on-the-Main, to be occasionally called in for a certain collaboration within the field of the "Office for Anti-Jewish Activity Abroad" of the Foreign Office.

As I regard the intensification of the collaboration between my office and the Frankfort Institute as a suitable means for the furthering of our common tasks, I should be obliged if you would

consent to Schickert's being called in for the purpose proposed. The Reich Foreign Office, on its part, would be in the position to assist and further, with its material, Party Member Schickert in his work in a very far reaching manner. I believe that such a collaboration would produce satisfactory results in every way.

Heil Hitler!

Your very obedient,

[Signed] STEENGRACHT

PARTIAL TRANSLATION OF DOCUMENT NO–5394 PROSECUTION EXHIBIT C–272

EXTRACTS FROM A COPY OF A MEMORANDUM OF GAULEITER FRAUENFELD, COMMISSIONER GENERAL FOR THE CRIMEA, 10 FEBRUARY 1944, FOUND IN THE FILES OF REICH LEADER SS HIMMLER, COMMENTING UPON GERMAN OCCUPATION POLICIES IN THE OCCUPIED EASTERN TERRITORIES

Secret

The Commissioner General for the Crimea
Vienna XIII, 10 February 1944

Gauleiter A. E. Frauenfeld
F/Lu.

Weidlichgasse 1

[Handwritten]

[Handwritten]

V.S. No. 1282/44g

Reich Leader SS

Adjutant's Journal No. 575/g*

Please submit 9 March f.
36/36/44g
RF

Memorandum on the Problems of Administration of the Occupied Eastern Territories

The longer large parts of the European Continent are conquered by German troops and are being administrated by German authorities, the more important the question becomes of how to handle this administration and how to treat the population. Especially in times of unavoidable crisis resulting from a long drawn-out war and from the changing fortunes of war, questions concerning the treatment and consequently the morale of the population in the occupied territories may become not only essential but even decisive for the outcome of the war.

* The two handwritten entries indicate the file registration number of different branches of the central SS offices.

The individual components, which together form the relationship of the population of the occupied territory to the German people, can be divided into two groups. One group represents all those elements originating with the population of the occupied territory; the other group is determined by the measures and the conduct of the German occupation and administration authorities.

In the course of the war some parts of Europe were occupied where the population was hostile toward us from the very beginning, as, for example, in Poland, France, Belgium, Holland, Denmark, and Norway. On the other hand, some countries were occupied, or conquered, the population of which greeted the German troops as their liberators and met the German administration absolutely in a positive way. This was especially the case with some peoples of the Balkans and the Baltic countries—especially, however, the Ukrainians.

The numerically second-largest people on the continent (if we do not consider the Russians as part of Europe)—of whose more than 40 millions, three quarters came under German civilian and military administration—received the German soldiers jubilantly as their liberators from the hated yoke of bolshevism, and they met them with the greatest of confidence and sympathy.

On the other side we have that masterpiece of wrong treatment and the most remarkable and astonishing achievement—to have, within the period of 1 year, chased into the woods and swamps, as partisans, a people which was absolutely pro-German and had jubilantly greeted us as their liberator and to have thus influenced the course of events in the East in a decisively negative way.

The reason why things developed in this way is only to a very minor extent due to the fact that the Ukrainian people expected things from its liberator which were not along the lines of our policies and therefore caused disappointment gradually growing into enmity.

The truth is that the incorrect as well as incomprehensible attitudes of some of the competent authorities or of some individuals have to be blamed for this unfortunate course of affairs.

The principle of ruthless brutality, the treatment of the population of the country according to points of view and methods used in past centuries against colored slave peoples; and the fact, defying any sensible policy, that the contempt for that people was not only expressed in actions against the individuals but was also expressed in words at every possible and impossible occasion and was even printed and propagated by pamphlets—all this bears ample testimony to the complete lack of instinct with regard to the treatment of alien peoples, which, in view of its consequences can only be called pathetic and disastrous.

At this point I must state with the greatest of emphasis that the situation is by no means such as the Reich Commissioner for the Ukraine [Koch] constantly pictures it in his reports to the highest authorities—namely that there are now two camps; on the one side those people who first of all want to safeguard Germany's interests in the East; and on the other side the day dreamers and weaklings who, in an almost traitorous way, would be ready to neglect, indeed even to sacrifice, German interests in favor of their "Eastern complex," their "Russian soul," out of their sympathy for the foreign peoples.

On account of this complete distortion of the actual facts an entirely wrong impression of the actual situation was created. The facts were rather the following:

On the one side there were persons who could shape their policies only in accordance with their character, their disposition, and their education, namely, "politics with the sledge hammer."

On the other side there were those persons—in many cases border Germans [Grenzdeutsche] or Germans from abroad—who on the basis of their theoretical knowledge and their practical experience were of the opinion that a policy of brutality and force could not work in the long run, but that the administration of occupied territories would have to be handled on a higher level and one would have to use the (to be sure) more complicated and difficult method of guiding the peoples which, however, promises success.

One cannot repudiate sharply and emphatically enough the arguments that sentimentalities or perhaps special sympathies for the eastern people are involved which are opposed to the interests of the German people; such suspicions, raised again and again, are aimed at discrediting all evidence coming from this side. It is rather appalling to notice how little some people know about history and what we could have learned from it in order to avoid mistakes and act in the right way. In the long run a policy trying to reach its goals in the cold way always proved to be the better and more successful one. This kind of policy will have much more serious and disadvantageous effects on a subjugated people than the "head through the wall policy of the bulls and boars." Anybody who knows history will be able to name a hundred examples to prove that pressure will produce counterpressure, and that in many a case a people was not smashed on the anvil but was made as hard as steel and thus bring about the desired result quickly and reliably while flexible tactics with regard to the treatment always prove to have a dividing and disintegrating effect.

Apart from these fundamental deliberations it was also stupid that these champions of a thick-headed policy of force did not only apply this force, but talked about it constantly and always in the wrong moment; and that in threatening and ridiculing the native population they went much farther than they could actually afford to, since, on account of the insufficient means of power at their disposal, they could not back up their words by action. Although one might argue as to whether one should do such things, however, there should be no doubt that in any case one keeps silent about it instead of talking constantly about it.

It takes a naivete which borders on stupidity for anybody to believe that in the 20th century a people, which, to be sure had a pathetically sad history, but nevertheless does have some historical past and which—though of different character than the German people—certainly has some racial and character qualities, will accept constant abuses and contempt and, at the same time, will gladly and perhaps voluntarily place its working capacity and its strength at the disposal of its master.

If, on top of all this, the policies of the British in the colonies of the Empire are quoted as an explanation and excuse for such senseless conduct, and if the point of view of the German master race is set against the slave character of Slavic mixed peoples, and if this difference is emphasized loudly and with a lot of ado, one must state that even a policy of catastrophes planned and financed by our opponents could hardly have such disastrous effects as the measures resulting from such nonsense.

All people, but especially naive and rather simple primitive peoples who have, despite a quarter of a century of Bolshevist subjugation, preserved extraordinary sound moral strength (a fact which is worth thinking about), possess like a child that strong ability of differentiating between harsh and unjust treatment, between punishment and arbitrary acts.

In this connection I want to emphasize that even among the champions for a "sensible" eastern policy there is nobody who would hesitate to approve even of the most serious and ruthless actions if they were required in the interest of the German people. It seems justifiable and can be justified, even in the fact of history, in the case of dire necessity to let thousands and hundreds of thousands of foreigners die if this is necessary for the future and the victory of the German people. Such action would also withstand the judgment of world history. Killing a single person, however, without such higher necessity demanding it, is murder. An action like that has always been condemned by history and its perpetrators were punished by history with the worst of punishments, failure!

953402---52——22

The tactics of brutality born of stupidity and inclination are usually supplemented by a complete misunderstanding of political and ideological concepts. It can only be considered as the height of miscomprehension if people believe that they must, already during the war, advocate those basic points of view which are to guide our policies in the East in the postwar area, and fail to take into consideration their psychological effects. Such rigid, dogmatic attitude proves the lack of ability of such people to guide alien peoples; such tasks demand merciless severity in the last and most important questions, but also a rather far extending elasticity and flexibility as well as adaptability in questions of tactics, which do not necessarily have to influence the strategies of our eastern policies in any way. Only one principle must be observed during a war which is waged at the cost of such high sacrifices and is fought for the highest ideal.

What actions are in order to contribute to the victorious conclusion of the war—Applying principles of bourgeois morality to the problems of world history shows that the persons displaying brutality and a master race attitude are inwardly just little philistines [Spiessbuerger] without any greatness; also if they declare that at this early date basic questions must be treated in agreement with our future intentions with regard to the treatment and administration of the eastern peoples, since, we cannot, in a few years assume a different attitude.

Just the opposite is true. If I have the choice of acting in accordance with my policies, but might thus cause embitterment and hostility among the subjugated peoples, or if I can act in a way that will have a favorable propagandistic effect, though it may not be completely in the line of our future policies, there should not be the slightest doubts that it is correct to choose the action which is not quite in keeping with the political line, but will be favorable for the course of the war.

After the German people have won the war, there will be nobody to hinder it in changing its individual measures as well as its entire policies in any way it pleases. World history and German history contain numerous examples for cases in which, afterward, a form based on national or international law was found, or when it could be proved that one partner to the treaty had violated its provisions, whereupon it was possible to cancel former promises or agreements or to change them according to the new situation.

It was doubtlessly right, during the first months of the Eastern Campaign, when everybody was under the illusion that a fifth Blitzkrieg would follow the first four, to advocate the principle of brutality and ruthlessness, since it is doubtlessly apt to produce

a maximum of effect within the shortest possible time. When we found out that events in the East became an uninterrupted chain of surprises, it would have been necessary to show our elasticity and to be brave enough to change basically our method of administrating the country just as the battle tactics and the military situation was basically changed. When it became evident that these persons, to whom the policies of ruthlessness and forceful exploitation had been entrusted in case the Blitzkrieg was successful, did not possess the adaptability and flexibility to adapt themselves to the changed situation, one would also have had to bring about the necessary change of policies by means of changing the personnel. Even if in the occupied eastern territories, especially, however, in the Ukraine, the method of ruthlessness was right on principle it would not only have been wrong from the propagandistic point of view thus endangering the course of the war, but also from the tactical point of view, since the civilian administration never has enough executive power in order to maintain such policies with the necessary perseverance and severity.

[Here follows nearly 30 pages of supplementary material, most of which the author specifies as "concrete examples" of his general criticism. This material has been omitted since most of it is similar in nature to materials reproduced herein in documents bearing an earlier date.]

* * * * * * *

No attempt is intended here to shift all obvious shortcomings and resulting difficulties to the different agencies or individuals mentioned here. It should only be shown how a task by itself difficult, but a beautiful and solvable task, can be made insolvable within the shortest time due to the lack of know how, but also due to the lack of seriousness and the conceited indolence of certain people who seriously hampered the problem of conducting our war.

If in the further course of the war, and after the victorious ending of the war, we will get these territories back, a basic change in the judgment of the population and their treatment must take place, also a fundamental change in the set up of the organization of the civilian administration and of the field of economy lest the most serious difficulties arise for Germany.

Signed: FRAUENFELD
(Gauleiter A. E. Frauenfeld)

TRANSLATION OF DOCUMENT NG-2947
PROSECUTION EXHIBIT 1806

LETTER FROM DEFENDANT STEENGRACHT, 20 MARCH 1944, TRANSMITTING COPY OF HITLER'S DECREE APPOINTING DEFENDANT VEESENMAYER AS GERMAN PLENIPOTENTIARY AND MINISTER IN HUNGARY AND DEFINING VEESENMAYER'S AUTHORITY

[Stamp] Top Secret

The Foreign Office
Political Division IV 771 g Rs Berlin W 8, 20 March 1944

[Stamp]
Express Letter
Foreign Office
Inl. 11 309 Top Secret

I enclose *for your confidential information* a copy of the Fuehrer's power of attorney for the Plenipotentiary of the Greater German Reich in Hungary, Party Member Dr. Edmund Veesenmayer.

[Signed] STEENGRACHT

1. [Illegible handwriting]
2. Wagner

[Initials] v. TH. [von Thadden]

[Stamp]
Top Secret

Copy Top Secret

The Fuehrer

(1) The interests of the Reich in Hungary will henceforward be protected by a Plenipotentiary of the Greater German Reich in Hungary, who will simultaneously bear the designation Minister.

(2) The Reich Plenipotentiary is responsible for all political developments in Hungary and receives his directives through the Reich Minister for Foreign Affairs. He has the special task of paving the way for the formation of a new national government which will be resolved to fulfill loyally and until final victory is achieved the obligations imposed upon it by the Tripartite Pact. The Reich Plenipotentiary will advise this government on all important matters and represent always the interests of the Reich.

(3) The Reich Plenipotentiary is to ensure that the entire administration of the country, as long as German troops are there,

is carried out by the new national government under his guidance in all fields, and with the object of utilizing to the fullest all the resources the country has to offer, in particular the economic possibilities, for the joint conduct of the war.

(4) German civilian offices, no matter of what nature, which are to operate in Hungary may be established only with the consent of the Reich Plenipotentiary; they will be subordinate to him and will act in accordance with his directives.

To perform tasks of the SS and Police to be carried out by German agencies in Hungary, and especially police duties in connection with the Jewish problem, a Higher SS and Police Leader will be appointed to the staff of the Reich Plenipotentiary and will act in accordance with his political directives.

(5) As long as German troops remain in Hungary, military sovereignty will be exercised by the commanding officer of these troops. The commanding officer is subordinated to the High Command of the Wehrmacht and receives his directives from him. The commanding officer of troops is responsible for the internal military security of the country and for its defense against threats from abroad. He supports the Reich Plenipotentiary in his political and administrative duties and acquaints him with all Wehrmacht requirements, especially with regard to the utilization of the country for the provisioning of the German troops. The requirements of the Wehrmacht, so far as they concern the realm of civilian affairs, are met by the Reich Plenipotentiary. In cases of imminent danger the commanding officer of German troops has the right to order also in the realm of civilian affairs, measures necessary for the fulfillment of military tasks. He will arrive at an agreement with the Reich Plenipotentiary concerning this as soon as possible. The Reich Plenipotentiary and the commanding officer of German troops, must cooperate as closely as possible wherever their spheres of activity overlap and agree on all measures.

(6) I name Party Member Dr. Edmund Veesenmayer, Plenipotentiary of the Greater German Reich, and Minister in Hungary.

Fuehrer Headquarters, 19 March 1944

Signed: ADOLF HITLER

TRANSLATION OF DOCUMENT NG–5522
PROSECUTION EXHIBIT C–438

TELETYPE FROM DEFENDANT VEESENMAYER TO VON RIBBENTROP THROUGH DEFENDANT RITTER, 20 MARCH 1944, CONCERNING VEESENMAYER'S CONFERENCE WITH THE HUNGARIAN REGENT, HORTHY, ON GERMANY'S WISHES IN THE FORMATION OF THE HUNGARIAN GOVERNMENT

Top Secret

[Stamp] To be treated as sealed matter only

Teletype

(Secret teletypewriter)

Budapest, 20 March 1944, 1555 hours
Arrival: 20 March 1944, 1700 hours
Nr. 493 of March 20th

Most Urgent!

Top Secret

For the Reich Foreign Minister through Ambassador Ritter.

Just had discussion with the Regent lasting for 1 hour. He stated that in his opinion formation of the government had to be completed by today but that, after discussion with Imredy, he realized that for the time being only a government of civil servants headed by Sztojay or Csatay was tolerable for him. Contrary to Imredy's account, he left it open how long such a government was to remain in office. Any other solution would force him to violate his oath on the constitution and to the law. I emphatically pointed out that I considered such an interim solution politically unwise and impossible in point of time. The time of eternal compromising was past, and I said I was under the impression that the Regent was merely out to gain time which was not in accordance with the will of Hitler and the Reich government. In the ensuing conversation we once again referred to Kallay and the Regent said literally: "He regretted that neither Hitler nor the Reich government had so far been frank with him. Until a few days ago he did not know that the Reich government objected to Kallay, else he would have dismissed him long ago." I voiced my consternation and stated that on Horthy's last visit Hitler, as well as the Reich Foreign Minister since, had suggested in no uncertain terms that Herr Kallay did not enjoy the confidence of the Reich government. I pointed out that Hitler objected on principle to receiving Herr Kallay once more and that

for a year the German Minister had virtually ceased relations with Herr Kallay. Reverting to the question of a government composed of civil servants, I told the Regent that I could not understand how the appointment of a government headed by Imredy would drive the Regent into committing perjury and argued my case.

Unable to retort, he said that I was much too intelligent and too well versed in rhetoric for him but that he had to stick to his opinion. I stated in conclusion that I had to report and request new instruction first, but that I much regretted his uncompromising attitude and that I felt compelled even now to voice my anxiety lest it entail grave consequences.

From hereon secret cipher V.

After having had three longer talks with the Regent within 24 hours, I increasingly gained the impression that Horthy on the one hand is lying inordinately and on the other is no longer physically fit to cope with his task. He is repetitious, often contradicting himself within a few sentences, and sometimes does not know how to continue a statement. His statements sound like a formula learned by heart, and I am afraid that he can hardly be convinced, let alone gained for our cause.

Signed: VEESENMAYER

[Stamp] Distribution suggested to the Reich Foreign Minister

[Distribution form]*

State Secretary Keppler
Under State Secretary, Political Division
Ambassador Ritter
Ambassador Gaus
Chief of Personnel Division
Chief of Trade Policy Division
Chief of Legal Division
Chief of Cultural Policy Division
Chief of Press Division
Chief of Radio Division
Chief of Records
Dirigent Political Division
Chief Inland I
Chief Inland II
Work Copy at [handwritten] Pol. IV
Minister Schnurre
Minister Benzler
Minister Frohwein

* On the distribution form, handwritten check marks appear after the following entries: "Understate Secretary, Political Division" (Defendant Woermann); "Ambassador Ritter"; "Dirigent Political Division"; and "Minister Benzler."

Minister v. Grundherr
Legation Counselor Melchers
Dr. Megerle
This is copy No.----------

TRANSLATION OF DOCUMENT NG-5526
PROSECUTION EXHIBIT C-440

TELEGRAM FROM DEFENDANT VEESENMAYER TO DEFENDANT RITTER, 22 MARCH 1944, REPORTING THE IMPENDING MILITARY OCCUPATION OF THE RESIDENCE OF THE HUNGARIAN REGENT HORTHY

[Stamp]

Top Secret

To be treated as sealed matter only

Telegram

(Secret code)

Budapest, 22 March 1944, 2340 hours.
Arrival: 23 March 1944, 0130 hours.
No. 508 of 22 March

Very urgent

Top Secret

For Ambassador Ritter
Re wire decree Fuschl[1] No. 3(*) of 22 March 1944.

(*) Probably No. 560 of 20 March

Sudden occupation [alarmartige Besetzung] of the castle with present distribution of troops will take 3 hours according to Army Group report. It is hardly possible to surround the castle effectively in view of its cellars and unknown secret exits.

VEESENMAYER

[Distribution Form][2]

State Secretary Keppler
Under State Secretary, Political Division
Ambassador Ritter
Ambassador Gaus
Chief of Personnel Division
Chief of Trade Policy Division
Chief of Legal Division

[1] Von Ribbentrop maintained headquarters at Fuschl in Austria.

[2] On the distribution form, handwritten checkmarks appear after the following entries: "Understate Secretary Political Division" (Defendant Woermann); "Ambassador Ritter"; "Minister Benzler"; and "Minister Frohwein."

Chief of Cultural Policy Division
Chief of Press Division
Chief of Radio Division
Chief of Records
Dirigent Political Division
Chief Inland I
Chief Inland II
Work Copy with Pol IV
Minister Schnurre
Minister Benzler
Minister Frohwein
Minister V. Grundherr
Legation Counsellor Melchers
Dr. Megerle
This is copy No.----------

TRANSLATION OF DOCUMENT NG-5574
PROSECUTION EXHIBIT 3701

TELETYPE FROM THE FOREIGN OFFICE TO DEFENDANT VEESENMAYER, 2 APRIL 1944, GIVING VON RIBBENTROP'S INSTRUCTIONS ON RELATIONS WITH HORTHY AND THE NEW HUNGARIAN GOVERNMENT

[Stamp]

Top Secret

To be treated as sealed matter only

Telegram

(Secret teletypewriter)

Fuschl, 2 April 1944, 1940 hours
Received: 2 April 1944, 2000 hours
Reich Foreign Minister 249/44

Top Secret

No. 532 dated 2 April
1. Telegram Control
2. German Legation Budapest
Coded telegram (secret code system)
Secret note for Secret Reich matter

Note:
Transmitted under No. 750 to German Legation Budapest
Telegram Control, 2 April 1944

For Minister personally

The Reich Foreign Minister requests you to work along political lines toward the goal of keeping the Regent more and more away from government business, pushing into the background and gradually isolating him in the castle. The aim therefore is, to eliminate him gradually and to continue the necessary political work with the new Hungarian Government alone.

ALTENBERG

This is copy No. 5

[Handwritten] State Secretary I, Hungary—1178

[Distribution Form]

State Secretary Keppler
Under State Secretary, Political Division
Ambassador Ritter
Ambassador Gaus
Chief of Personnel Division
Chief of Trade Policy
Chief of Legal Division
Chief of Cultural Division
Chief of Press Division
Chief of Radio Division
Chief of Protocol
Dirigent Political Division
Chief Inland I
Chief Inland II
Working copy at [Handwritten] Political IV.

* On the distribution form handwritten checkmarks appear after the following entries: "Under State Secretary, Political Division" (Defendant Woermann) and "Dirigent Political Division."

TRANSLATION OF DOCUMENT 3947-PS
PROSECUTION EXHIBIT 1914

FILE NOTE, 31 MARCH 1944, CONCERNING (1) THE ORAL CONFIDENTIAL AGREEMENT BETWEEN DEFENDANT PUHL AND SS LIEUTENANT GENERAL POHL ON THE UTILIZATION BY THE REICH BANK OF PRECIOUS OBJECTS ACQUIRED BY THE SS; (2) A DIRECTIVE OF FUNK AND DEFENDANT SCHWERIN VON KROSIGK ON THE DELIVERY TO THE REICH BANK OF PRECIOUS OBJECTS IN THE HANDS OF THE MAIN TRUSTEE OFFICE EAST; AND RELATED MATTERS[1]

Berlin, 31 March 1944

Subject: Utilization [Verwertung] of jewelry [Schmuckwaren] and similar things which fall to [anfallen] official agencies in favor of the Reich

According to an oral confidential agreement [muendlichen vertraulichen Vereinbarung] between Vice President Puhl and the chief of a Berlin official agency [einer Berliner Amtsstelle], the German Reich Bank has taken over the utilization of domestic and foreign currency, gold and silver coins, precious metals, securities, jewels, watches, diamonds, and other precious objects which fall to this agency [die bei dieser Stelle anfallenden].[2] All incoming objects are processed under the code name "MELMER."

The large number of objects acquired hereby have been turned over to the Municipal Pawn Shop, Division III, Central Office, Berlin N 4, Elsaesser Str. 74, for the best possible utilization after checking the number of pieces and their weight, provided they have not been smelted.

As it is evident from the enclosed copy of a letter from the pawn shop, dated 29 March 1944,[3] it refuses further acceptance of such items and declines to process items already in their possession, whose processing has not yet been completed. We have been informed that the City Treasurer, to whom the Central

[1] Document 3947-PS was introduced in the IMT trial as Exhibit USA-850 and the German text is reproduced in Trial of the Major War Criminals, volume XXXIII, pages 577-579.

[2] That the agency referred to was the SS was stated by defendant Puhl when he testified in the IMT trial as a witness for defendant Funk, President of the Reich Bank: "I had a very simple talk with Mr. Funk. It turned on the request of the SS to make use of our bank installations by depositing valuables for which, it was said, there was not sufficient protection in the cellars of the SS building. Perhaps, for the sake of completeness, I may add that SS in this connection, always means the Economic Department of the SS * * *. After this conversation the head of the Economic Department of the SS, whose name was Pohl, Obergruppenfuehrer Pohl, contacted me. I asked him to come to my office, and there he repeated what I already knew, namely that he would welcome it if we would take over these valuables as soon as possible * * *. I confirmed what we had arranged and said, "If you will designate officials from your department, I shall inform our department, and together they can discuss the technical details." See Trial of the Major War Criminals, volume XIII, pages 565 and 566.

[3] The enclosure was not a part of the exhibit offered in evidence.

Office as a municipal office is subordinated, wants to use its personnel in the Office for War Damages.

The question of a uniform utilization of the precious objects is important not only because the Reich Bank should be given the opportunity to sell unprocessed jewels, etc., from the Melmer delivery, the same way as it did before and not only because its proceeds belongs to the Reich, but also due to the following reasons:

So far the pawn shop made the purchases according to the world wide gross prices minus 10 percent for purchasing charges. In case the price obtained in the final disposition was a higher one, this surplus went to the benefit of the Reich. Through sales to foreign countries, a considerable amount of foreign currency ought to have been acquired. A large number of goods ready for export are still in possession of the pawn shop. Among others, diamonds of 35,000 carats and rose diamonds of a very high value.

The Reich Marshal of the Greater German Reich, the Plenipotentiary for the Four Year Plan, informed the German Reich Bank in a letter of 19 March 1944, a copy of which is enclosed,[1] that considerable amounts of gold and silver objects, jewels and so forth at the Main Trustee Office East, should be delivered to the Reich Bank according to the order issued by the Reich Ministers Funk and Graf Schwerin von Krosigk. The utilization of these objects should be accomplished in the same way as the Melmer deliveries. The Reich Marshal informed us also about the utilization of objects of the same kind, which have been acquired in the occupied *western* territories. We do not know to which office these objects have been delivered and how they are utilized.

We received a further inquiry about the utilization of jewels and similar objects from the Reich Bank in Katowice[2] (compare with enclosed copy[1]).

Besides the above-mentioned cases, where the Reich Bank is, or will be indirectly participating in selling of jewelry, there is yet to clear the question of utilization of jewels and similar objects which have been acquired as war booty. As far as we know, the entire war booty consisting of jewelry and similar objects is in the safes of the Reich Finance Main Office [Reichshauptkasse]. Probably there are objects and items still fit for export which after smelting can give us gold and silver. The

[1] The enclosures mentioned in this document were not part of the exhibit introduced in evidence.

[2] The city of Katowice, in Upper Silesia, is located near Auschwitz, where the largest of all the concentration camps was located.

official in charge of it is Ministerialrat Dr. Maede,* as attorney—in fact—from the Reich Ministry of Finance in Sigmaringen.

In our opinion it is absolutely essential that uniform utilization be established of goods acquired by official agencies. The simplest solution would be to separate the pawn shop, which has the necessary skilled personnel and the connections necessary for sale abroad, from the municipal authorities for this war job. Should this be impossible, another appropriate agency should be appointed for this work.

Considering the large amount of incoming foreign currency as a result of the sale of these objects in foreign countries and the considerable acquisition of gold and silver not fit for export from smelting—the immediate uniform settlement of this problem seems to be very advisable.

Main Cashier's Department [Hauptkasse]

[Signed] KROPP

[Handwritten] Transactions concerning gold II [Gold-Bewirtschaftung].

* "Maede" should be "Maedel." Note that the minutes of the conference of 11 and 12 December 1942 (Doc. NG-5369, Pros. Ex. 3920, reproduced earlier in this section) on the handling of confiscated Jewish property in the West show that "Ministerial Counsellor Dr. Maedel" was the ranking representative of the Reich Ministry of Finance at that conference.

TRANSLATION OF DOCUMENT NO–2287–C
PROSECUTION EXHIBIT 1097

MEMORANDUM OF THE SS MAIN OFFICE, 19 APRIL 1944, CONCERNING THE "DECORATIONS AND BADGES OF DISTINCTION" OF DEFENDANT BERGER*

Berlin-Grunewald, 19 April 1944

Reich Leader SS
SS Main Office
Amt AI—2a(1) Az: 16/0

Subject: Decorations and badges of distinction of SS Lieutenant General Berger

Reference: Telephone conversation with SS Lieutenant Colonel Reich—First Lieutenant Paeseler

To the SS Main Personnel Office

The Personnel office of SS Main Office reports on the decorations and badges of distinction of the Chief of SS Main Office, SS Lieutenant General Berger.

Iron Cross, Second Class ..... conferred on 26 November 1914
Gold Medal of Merit of Wuerttemberg for Military Services ..... conferred on 21 May 1915
Iron Cross, First Class ..... conferred on 21 January 1918
The Knight's Cross of Merit for Military Services ..... conferred on 4 May 1918
Medal for War Injured (soft white) ..... conferred on 18 June 1918
Frederic Medal with Swords ..... conferred on 8 November 1918
SA Sport Badge (bronze) ..... conferred on 15 December 1934
Cross of Honor for Front Soldiers ..... conferred on 16 November 1935
Cross for War Merit First Class with Swords ..... conferred on 1 July 1941
Commander's Cross First Class with Swords of the Order of the White Rose of Finland ..... conferred on 26 August 1942
Golden Party Emblem ..... conferred on 30 January 1943
Silver German Cross ..... conferred on 1 July 1943
Great Cross of Croatia (of the order of King Zvonimir) ..... conferred on 12 July 1943

* Defendant Berger, in his testimony, stated that "not all the orders and decorations I received are listed" in this and other exhibits concerning the subject. See extracts from the testimony of defendant Berger reproduced later in this section.

Honor Emblem of the
Hitler Youth ..... conferred on 30 January 1944

BY ORDER:

[Signed] GRAEPER
SS Major (F)

TRANSLATION OF DOCUMENT NG-2234
PROSECUTION EXHIBIT 1807

TELEGRAM FROM DEFENDANT VEESENMAYER TO VON RIBBENTROP THROUGH DEFENDANT RITTER, 3 APRIL 1944, WITH COPIES TO DEFENDANTS STEENGRACHT AND WOERMANN, CONCERNING THE POSSIBLE SHOOTING OF JEWS AS RETALIATORY MEASURES TO AIR RAIDS UPON BUDAPEST

Telegram from Budapest No. 65 dated 3 April 1944

Most Urgent

[Handwritten] 216 Top Secret

For Reich Foreign Minister via Ambassador Ritter

The reaction of the population of Budapest to the two air raids led, in large circles, to an intensified anti-Semitic attitude. Yesterday leaflets were distributed, asking the life of 100 Jews for each Hungarian killed. Even if this cannot actually be carried out, since in that case we would have to shoot at least 30,000 to 40,000 Jews, the idea of revenge creates an effective propaganda possibility and perhaps also a warning example. At the next attack I would have no scruples against having 10 suitable Jews shot for every Hungarian killed. In view of a conference which I had last night with the Ministers Ratz and Kunder, I have the impression that the government would be willing to carry out such a measure on its own. On the other hand such an action once begun should be carried out consistently. In view of the suggestions made to the Fuehrer by the Reich Foreign Minister, offering all Jews as a present to Roosevelt and Churchill, I would like to be informed whether this idea is being followed up, or whether after the next attack I may start with retaliatory measures described above.

VEESENMAYER

Distribution:

State Secretary 3 [defendant Steengracht]
Under State Secretary, Chief of the Political Division 1 [defendant Woermann]

Deputy Chief Political Division 1
Political IV b 2
Inland II 1

[Handwritten] Inland II

[Handwritten] No. 8

PARTIAL TRANSLATION OF DOCUMENT NG-2233
PROSECUTION EXHIBIT 1811

TELEGRAM FROM DEFENDANT VEESENMAYER TO FOREIGN OFFICE, 23 APRIL 1944, CONCERNING THE CONFINEMENT OF HUNGARIAN JEWS IN GHETTOS AND PREPARATIONS FOR THE DEPORTATION TO AUSCHWITZ OF 3,000 JEWS DAILY

[Stamp] Foreign Office
INL II 764 g
Received 24 April 1944

Telegram

(Teletype, Secret)

Budapest, 23 April 1944, 0130 hours
Received: 23 April 1944, 0800 hours
No. 1022 of 23 April. Secret!

Also for Ambassador Ritter

Reference: Telegraphic report No. (X) 117, of 19 April.
[Handwritten] (X) Inl II 220 top secret

In connection with telegraphic report No. 117, and after having spoken with the competent specialists, I inform you of the following:

The work of putting Jews into ghettos began in the Carpathian area on 16 April. Thus far 150,000 Jews have been affected. The action will probably be completed by the end of next week, approximately 300,000 Jews. The same is already in preparation and is planned to follow immediately in Transylvania and in a number of counties bordering on Rumania. An additional 250,000 to 300,000 Jews are to be dealt with. Subsequently it will be the turn of the counties bordering on Serbia and Croatia, with the final ghetto work to be done in the interior of the country, and its conclusion in Budapest.

Negotiations about transportation have been started. They call for a daily shipment of 3,000 Jews, mainly from the Carpathian area, beginning on 15 May. If transportation facilities permit, there will be later on also simultaneous shipments from other ghettos. Auschwitz is designated as receiving station.

Provisions have been made that far reaching consideration will be taken for war economy requirements in the execution of this action. In order not to jeopardize the execution of this action, it appears advisable to delay somewhat the transport of the 50,000 Jewish workers from the Budapest area, whose shipment has been demanded by me and has been agreed on by the government; this will be necessary anyway in view of the existing transportation difficulties. Transport by marching is not practicable, since it entails great difficulties in the questions of feeding, shoes, and guarding. Since the Jewish action is an entity, I deem the above sketched plan correct, and I request wired orders if you have any doubts or special requests.

VEESENMAYER

[Distribution Form]*

State Secretary Keppler
Under State Secretary Political Division
Ambassador Ritter
Ambassador Gaus
Chief Personnel
Chief Trade Policy Division
Chief Legal Division
Chief Cultural Policy Division
Chief Press Division
Chief Radio Division
Chief Protocol
Dirigent Political Division
Chief Inland I
Chief Inland II
Work copy to
Minister Schnurre
Minister Benzler
Minister Frohwein
Minister v. Grundherr
Senior Legation Counsellor Melcher
Dr. Megerle

[Stamp]
Work copy!
Register with Inland II

[Handwritten] S. Hungary

* On the distribution form, handwritten checkmarks appear after the following entries: "Under State Secretary, Political Division" (defendant Woermann); "Ambassador Ritter"; "Dirigent, Political Division"; "Chief Inland II"; and "Minister Frohwein."

953402—52——23

TRANSLATION OF DOCUMENT NG-5535
PROSECUTION EXHIBIT 3705

TELETYPE FROM DEFENDANT VEESENMAYER TO THE FOREIGN OFFICE, 27 APRIL 1944, CONCERNING THE IMMINENT DEPORTATION OF TWO SHIPMENTS OF 2,000 JEWS TO AUSCHWITZ

[Stamp] Secret Reich Matter

To be treated only as sealed matter

Telegram

(secret teletype)

Budapest, 27 April 1944, 1910 hours

Arrival: 27 April 1944, 2325 hours

No. 1089 of 27 April 1944

In the following up telegraphic report No. 117 of 19 April(*)

[Marginal Note] (*) Inl. II Secret Reich Matter

Of the Jews made available for deportation by the Honved Ministry,* two shipments, each of them made up of about 2,000 able-bodied men and women in the age-groups of 16 to 50 years, will leave for Auschwitz on 27 and 28 respectively.

The Hungarian Police have been consulted and the processing camps have been visited to make sure that Jews who are nationals of neutral or enemy countries are exempted from deportation.

VEESENMAYER

Distribution

Inland II	2 copies
Reich Foreign Minister	3 copies
State Secretary	3 copies
Under State Secretary Political Division [defendant Woermann]	1 copy
Dirigent Political Division	1 copy
Political Department IV	1 copy

This is copy No. 6

[Handwritten] Hungary State Secretary 1 1595

* The Hungarian Ministry of War was commonly referred to as Honved Ministry. The term "Honved" meaning "home defense" also was the name of the Hungarian Army in the revolutionary war of 1848–1849.

TRANSLATION OF DOCUMENT VEESENMAYER 223
VEESENMAYER DEFENSE EXHIBIT 155

EXTRACT FROM THE NEWSPAPER "VOELKISCHER BEOBACHTER," 11 MAY 1944, REPORTING DISCOVERIES OF BOMB CASINGS AND SECRET RADIO TRANSMITTERS IN THE HOMES OF BUDAPEST JEWS[1]

Secret Transmitters in Jewish Homes

Budapest, 10 May

In the Monday meeting of the administrative committee of the Budapest City Council it was announced that a considerable number of bomb cases had recently been found in Jewish premises. Furthermore secret transmitter installations were again and again detected in Jewish homes.

In view of these announcements, which furnish further weighty proof of the criminal machinations of the Jews, the greatest possible severity against the Jews was demanded.

TRANSLATION OF DOCUMENT VEESENMAYER 224
VEESENMAYER DEFENSE EXHIBIT 156

EXTRACT FROM THE NEWSPAPER "VOELKISCHER BEOBACHTER," 17 MAY 1944, REPORTING THE ESTABLISHMENT OF GHETTOS IN 34 HUNGARIAN CITIES AND THE ATTITUDE OF THE HUNGARIAN POPULATION TOWARD ANTI-JEWISH MEASURES[2]

The De-Judaization of Hungary Continues

By our Budapest reporter

He. Budapest, 16 May

State Secretary Vitez Endre Laszlo who is in charge of de-Judaization and of cleansing the public life of Jews has returned from a prolonged inspection trip which took him into all parts of the country. He visited no less than 34 cities and numerous communities. He explained to a staff reporter of the large metropolitan paper "Uy Mag Yarsag" that the conclusion of the initiated de-Judaization scheme represented a gigantic task. It meant making up for decades of omissions and moreover doing so at top speed. He was pleased to find that nowhere had the law been ignored. "We defend the life of our nation, by ridding it from the Jewish poison, a self-defense, which will end Jewish predominance."

[1] This extract was taken from the South German edition of the "Voelkischer Beobachter" of 11 May 1944, page 6.

[2] This extract was taken from the South German edition of the "Voelkischer Beobachter" of 17 May 1944, page 6.

Ghettos had been established in all the 34 cities which he visited. One of the strongest impressions he retained from his long trip was that the population in all cities and communities hailed the government measures with genuine delight, and took a keen interest in their enactment from Kosice [Kaschau] to Cluj [Klausenburg] and from Szeged [Szegedin] to Subotica [Maria Theresiapol]. Especially in the cities of Mukachevo [Munkacs], Uzhgorod [Ungvar], Bereszasz, and Marmaros Sziget, which had borne the brunt of the flood of eastern Jews, the population rejoiced and frequently supplied means of transportation to speed resettlement and get rid of the Jews.

PARTIAL TRANSLATION OF DOCUMENT NG-2424
PROSECUTION EXHIBIT 1754

MEMORANDUM OF DR. SCHMIDT, CHIEF OF THE INFORMATION AND PRESS DIVISION OF THE FOREIGN OFFICE, TO DEFENDANT STEENGRACHT, 27 MAY 1944, SUGGESTING "EXTERNAL CAUSES AND REASONS" BE CREATED FOR THE "CURRENT AND PLANNED ACTIONS" AGAINST THE JEWS IN HUNGARY

The Chief of the Information and Press Division

[Stamp] Foreign Office
Inland II Section 308 secret
Received: 1 June 1944

Top Secret

Memorandum for the State Secretary:

(Copy for Ambassador v. Rintelen)

From a very good report on the current and planned Jewish "actions" [Judenaktionen] in Hungary, I see that a major "action" [Grossaktion] is planned for June against the Budapest Jews.

On account of its proportions the planned action will excite a lot of attention abroad and will certainly cause violent reactions. The enemies will cry out and talk of manhunts [Menschenjagd] and so on, and by the use of atrocity reports [Greuelberichten] will try to stir up opinion at home and in neutral countries. Therefore, I should like to suggest that perhaps these things should be averted by creating external causes and reasons [aeussere Anlaesse und Begruendungen] for the action, for example, the discovery of explosives in Jewish clubs and synagogues, the unearthing of sabotage organizations, revolutionary plots, attacks on the police, illegal currency transactions on a large

scale aimed at undermining the Hungarian monetary system. The keystone of such an action would have to be a particularly serious case, which would then become the occasion for the great raid [Grossrazzia].

Berlin, 27 May 1944

[Signed] DR. SCHMIDT*

[Stamp]

Has been submitted to the State Secretary. [Illegible initial]
30 May

[Handwritten note] Through Chief of Press Division to *Inland II*

The State Secretary requests that the above suggestions of Minister Schmidt be communicated to Minister Veesenmayer and that he be asked for his opinion.

[Signed] MIRBACH
27 May

* Dr. Paul Karl Schmidt appeared as a prosecution witness. His testimony is recorded in the mimeographed transcript, 5 February 1948, pages 1351–1428.

TRANSLATION OF DOCUMENT NG–5561
PROSECUTION EXHIBIT 3916

CORRESPONDENCE AND FILE NOTES FROM THE REICH MINISTRY OF FINANCE, 15 JUNE TO 25 AUGUST 1944, CONCERNING FUNDS FOR THE DEMOLITION OF THE WARSAW GHETTO, THE DISPOSITION OF FUNDS REALIZED BY THE CONFISCATION OF MOVABLE JEWISH PROPERTY, AND OTHER MATTERS

1. Copy of a letter from defendant Schwerin von Krosigk to Himmler, 15 June 1944, informing Himmler that the documents submitted in support of the Waffen SS budget for 1944 do not warrant amounts requested for demolition of the Warsaw ghetto and other matters

The Reich Finance Minister Berlin, 15 June 1944
J. 7461–217 I
Referent: Ministerial Counsellor Dr. Gossel
Original and enclosures compiled and read.
[Signed] SCHULZ 26 June
1 dispatched 22 June 1944 with 2 enclosures*
[Initial] M.

1. Reich Leader SS and Chief of the German Police
SS Economic and Administrative Main Office
Berlin-Lichterfelde-West
Unter den Eichen 126/135

Budget of the Waffen SS for the Fiscal Year 1944

The basis for the Waffen SS budget for the fiscal year 1944 is contained in a memorandum on the budgetary conferences of 28 January, 17 March, and 28 March 1944, which I enclose. The table of organization of the Waffen SS remains unchanged. In future it will be supplied with funds in accordance with the ruling made in the conference of the 28 March 1944, which provides for an operating fund averaging 145 million reichsmark per month for the Waffen SS for the fiscal year 1944.

[Handwritten] Arrangements have been made for an audience with [illegible name].

The documents submitted to me with respect to the planned demolition of the Warsaw ghetto and the Kok-Sagis cultivation are not sufficient for me to authorize at present the amounts requested for the above-mentioned operations, totaling 150 and 40 million reichsmark respectively. Therefore, I cannot make a decision at this time with respect to your requests of 24 and 25

* The enclosure was not part of the exhibit offered in evidence.

March 1944—A I 1/Br/Bre—but I am willing to make available now the necessary installments upon request.
2. Files.

(Name of the Reich Minister)
[Initial] K [Krosigk]
[Initial] R [Reinhardt]
[Illegible initials]

Copy of 1 and enclosures to—
Referent Gossel
Referent Kallenbach
A. R. Miemietz
[Initial] M. [Mayer] 9 June

2. Draft of a letter from the office of defendant Schwerin von Krosigk to the SS Economic and Administrative Main Office, with extensive handwritten remarks and changes, concerning information about the destruction of the "Warsaw Ghetto" and the utilization of property found there*

[Note.—Typewritten text.]

[Handwritten] 23.11 [23 November]
Berlin, July 1944

The Reich Minister of Finance
J 7461–214 I
Referent: Ministerial Counsellor Dr. Gossel
Co-Referent: Ministerial Counsellor Burmeister
1. Reich Leader SS and Chief of the German Police
SS Economic and Administrative Main Office
Berlin-Lichterfelde
Unter den Eichen 126

Destruction of the Warsaw Ghetto
Your letter of 24 March 1944
A I/1/Br/Bre

The planned destruction of the ghetto requires a large amount of money and labor. I request that you examine if—considering the present conditions—the demolition of the ghetto is an operation of highest war priority, or if the possibility exists to arrange the necessary security measures in the ghetto in some other way.

To cover the costs arising from the destruction, I request that the material values found in the ghetto will be utilized first, and

* Because the handwritten additions are so extensive, the entries on this document have been reproduced in the following three parts: (1) the typewritten draft; (2) a lengthy handwritten note which appeared at the top right hand side; (3) and the typewritten draft as changed by handwritten insertions and deletions.

that I be informed as how these great values of gold and goods there available should be utilized or have been utilized in the meantime.

BY ORDER:

2. To be resubmitted after dispatch

[*Note.*—The following handwritten note was inserted at the top right hand side of the original draft.]

To Referent Dr. Gossel. Paragraph 2 can not be left as it is. Even if one were to consider, and that is very questionable, the destruction of the ghetto as "the carrying out of a construction enterprise, the credits for the value as represented by goods found in the ghetto" would not be covered by [illegible abbreviation]. The reference would actually amount to an invitation to establish a black fund which would take any control over the financial course of events out of our hands. However, I too deem it entirely necessary to follow up separately the question of the treatment within the budget [haushaltmaessige Behandlung] of the value of material which is found there.

[Illegible initial] 26/7 [26 July]

[*Note.*—The typewritten text of the draft letter, as changed in the handwriting of at least two persons, reads as follows]

The planned destruction of the ghetto requires a large amount of money and labor. I request that you examine if—considering the present conditions—the destruction of the ghetto is still an operation of highest war priorities, or if the security measures necessary in the ghetto area can be taken in any other way.

If the destruction should still be considered necessary, I request that in order to cover the cost you first utilize material values found in the ghetto or inform me how the gold and goods, there available in great values, are to be utilized otherwise or have been utilized in the meantime.

3. Letter from the SS Economic and Administrative Main Office to Defendant Schwerin von Krosigk, 25 August 1944, concerning the suspension of the demolition of the Warsaw ghetto and the disposition of movable Jewish property

The Reich Leader SS and Chief of the German Police SS Economic and Administrative Main Office

[Handwritten] J 7461—214 I g

[Stamp] Secret

[Stamp] Received 28 August 1944
Reich Ministry of Finance

Reference: A I/1/155/11a/Br/Bre. Berlin, 25 August 1944
Diary No. 234/44/secret Lichterfelde-West
Subject: Demolition of the Warsaw ghetto Unter den Eichen 126–135

Reference: Your letter of 28 July 1944—J 7461–214 I.[1]

[Handwritten] Enclosed

To the Reich Minister of Finance
Berlin W 8
Wilhelmplatz ½

The demolition of the Warsaw ghetto has been suspended for some time. Thus, the reason given in paragraph 1 of the above letter for the investigation of the matter has become pointless.

The material hitherto obtained as a result of the demolition has been handed to the offices of the Wehrmacht and Waffen SS against proforma bills [Scheinwechsel].

The movable property in Jewish hands—inasmuch as this was confiscated by the Waffen SS offices in the course of the resettlement operation—was realized and the proceeds paid into the Reich Main Finance Office [Reichshauptkasse] in favor of the Reich Minister of Finance.

Chief of the Budget Office
[Signed] KOERNER[2]
SS Senior Colonel

[1] The letter referred to was not introduced in evidence and apparently was not found. However, the file reference "J 7461–214 I" is the same as the draft letter reproduced just above, on which comments concerning revision were made on 26 July 1944.

[2] Not the defendant Koerner.

TRANSLATION OF DOCUMENT NG-5567
PROSECUTION EXHIBIT 3713

TELEGRAM FROM DEFENDANT VEESENMAYER TO DEFENDANT RITTER, 17 JUNE 1944, REPORTING THAT 326,009 JEWS HAVE BEEN DEPORTED FROM HUNGARY

[Stamp] Foreign Office
Inland II 1213 g
Received: 20 June 1944
encl.

[Stamp] To be treated as sealed matter only.

Telegram from Budapest No. 1820 of 17 June for
Ambassador Ritter

Addition to wire report No. 258 of 15 June. The Higher SS and Police Leader reported to me on 15 June:

Note—Telegram was sent by Budapest Embassy directly to Fuschl. Telegram control.

1. *Communism.*—KDS [Commander of Security Police] Budapest arrested the Jew Deutsch and his wife because he is suspected of being a Bolshevist agent. Deutsch was in Moscow from 1932 to 1936 and was visited there a number of times by his wife. After her return from Moscow she frequently stated that she worked there as a tailor for GPU commissars.
[Handwritten] (1) . . . Inland II . . . (2) Pol VI for information (3) to the files—S—Hungary . . . [Initials] v. TH. [von Thadden] 20/6.

2. *Jews.*—Total number of Jews deported to the Reich, 326,009.* From circles of the Rumanian Consul General in Cluj we found out that the Hungarian Jews who have fled to Rumania are treated there like political refugees and that the Rumanian Government intends to make it possible for them to emigrate to Palestine.

[Stamp] Working copy to be registered with Inland II
[Handwritten] Jews Hungary
VEESENMAYER

Distribution list:
Reich Foreign Minister 2x
State Secretary 3x
Under State Secretary Pol. Div 1x
Deputy Chief, Pol. Div. 1x
Pol. I M 1x
Pol. IV b 1x

* Auschwitz concentration camp was located in that part of Poland which was incorporated into the Reich after Germany's invasion of Poland in 1939. Veesenmayer, in an earlier report of 27 April 1944 to the Foreign Office mentioned Auschwitz as the destination for two shipments of Jews. See Document NG-5535, Prosecution Exhibit 3705, reproduced earlier in this section.

Inland II (working copy) 1x
Minister Frohwein 1x

TRANSLATION OF DOCUMENT NG–2263
PROSECUTION EXHIBIT 1821

TELEGRAM FROM DEFENDANT VEESENMAYER TO THE FOREIGN OFFICE, 30 JUNE 1944, REPORTING ON THE PROGRESS OF THE DEPORTATION OF HUNGARIAN JEWS

[Stamp]

To be treated as sealed matter only

[Stamp]

Foreign Office
Inland II 1347 secret
Received: 4 July 1944
Encl.____Copies____

Letter Telegram
(Open)
Budapest, 30 June 1944
Arrival: 3 July 1944, 1105 hours
No. 1838 dated 30 June subsequent to report by telegram—No. 1657—(with Inland II V.S. 1159 g lb) dated 13 June.

I. Deportation of Jews from zone III with 50,805 concluded according to plan. Total figure from zones I–III 340,162.

II. Concentration in zone IV and deportation with 41,499 concluded according to plan. Total figure 381,661, continuation of activities has been reported separately by teletype—No. 279—dated 27 June;—No. 287—dated 29 June; and No. 289—dated 30 June, to Fuschl. Concentration in zone V (area so far not included, west of the Danube not including Budapest) has started 29 June. Simultaneously small special actions in suburbs of Budapest as preparatory measures have started. Furthermore, a few small special transports with political Jews, intellectual Jews, Jews with many children and especially skilled Jewish workers are still on the way.

VEESENMAYER

Working Copy at Inland II register

[Distribution form]*

State Secretary Keppler
Under State Secretary, Political Division
Ambassador Ritter
Ambassador Gaus
Chief of Personnel Division
Chief of Trade Policy Division
Chief of Legal Division
Chief of Cultural Policy Division
Chief of Press Division
Chief of Radio Division
Chief of Records
Dirigent Political Division
Chief Inland I
Chief Inland II
Work copy at_____
Ambassador Rintelen
Minister Schnurre
Minister Frohwein
Minister v. Grundherr
Senior Legation Counsellor Ripken
Senior Legation Counsellor Melchers
Legation Counsellor von Grothe
Dr. Megerle

[Handwritten]

1. Chief Inland II for information
2. To the Files S Hungary
   [Initials] V. TH. [von Thadden] 4 July

* On the distribution form, handwritten checkmarks appear after the following entries: "Under State Secretary, Political Division"; "Ambassador Ritter"; "Dirigent, Political Division"; "Chief Inland II"; and "Minister Frohwein."

TRANSLATION OF DOCUMENT NG-5586
PROSECUTION EXHIBIT 3715

TELEGRAM FROM DEFENDANT VEESENMAYER TO THE FOREIGN OFFICE, 11 JULY 1944, CONCERNING DIFFICULTIES IN CARRYING OUT THE JEWISH POLICY IN HUNGARY BECAUSE OF THE DIFFERENT HANDLING OF THE JEWISH QUESTION IN RUMANIA AND SLOVAKIA

[Stamp] To be treated as sealed matter only

Telegram

(Teletype Secret)

Budapest, 11 July 1944, 2225 hours
Received: 12 July 1944, 1100 hours
No. 1939 dated 11 July

Secret!

The Deputy Foreign Minister today pointed out to me how difficult the situation of the Hungarian Government was as a result of the discriminatory handling of the Jewish question by the competent German agencies in Hungary, Rumania, and Slovakia. While we would demand of the government in this country a most ruthless proceeding against the Jews, the Rumanians and Slovakians would be allowed to treat the Jews in a far more indulgent manner. Even regular transports of Jews from Rumania to Palestine are still running now. According to the reports of the Hungarian Legations in Bucharest and Bratislava, numerous Hungarian Jews would have crossed in the last weeks illegally the borders respectively, to Rumania and Slovakia, where they would be tolerated by the national authorities more or less openly. The Rumanians would proceed even so far, to add actually 20 percent Hungarian Jews to their Jewish transports to Palestine. This is obviously done to create a good impression with our enemies. To the outside world the impression is created that the Rumanians and Slovaks are taking a quite different attitude toward the Jewish question than Hungary, against whom the whole hatred of the enemy and neutral states will be directed. This would reflect very unfavorably upon the situation of the Hungarian Government.

VEESENMAYER

[Handwritten] Hungary, State Secretary 1 4196

[Distribution form]*

State Secretary Keppler
Under State Secretary, Political Division

* On the distribution form, handwritten checkmarks appear after the following entries: "Under State Secretary, Political Division" [defendant Woermann]; "Ambassador Ritter"; "Dirigent Political Division"; "Chief Inland II"; and "Minister Frohwein."

Ambassador Ritter
Ambassador Gaus
Chief of Personnel Division
Chief of Trade Policy Division
Chief of Legal Division
Chief of Cultural Policy Division
Chief of Press Division
Chief of Radio Division
Chief of Records
Dirigent Political Division
Chief Inland I
Chief Inland II
Working copy with Inland II
Ambassador V. Rintelen
Minister Frohwein
Minister von Grundherr
Senior Legation Councillor Ripken
Senior Legation Councillor Melchers
Legation Councillor v. Grothe

TRANSLATION OF DOCUMENT NG–4096
PROSECUTION EXHIBIT 2449

COPY OF A LETTER FROM POHL, CHIEF OF THE SS ECONOMIC AND ADMINISTRATIVE MAIN OFFICE, TO DEFENDANT SCHWERIN VON KROSIGK, 24 JULY 1944, STATING THAT PROCEEDS OF JEWISH VALUABLES ACCUMULATED IN CONCENTRATION CAMPS ARE TRANSFERRED TO THE REICH FINANCE MAIN OFFICE FOR THE CREDIT OF THE REICH MINISTRY OF FINANCE IN THE SPECIAL ACCOUNT "MAX HEILIGER"*

[Stamp] Secret

Copy of 0 5400—32/44 VI

The Chief of the SS Economic and
Administration Main Office

Berlin 24 July 1944
Lichterfelde-West
Unter den Eichen 126–135

A II/3 Reinh./Ma/Ro

Secret Journal No. 66/44

Subject: Confiscated Jewish property.

Reference: Your letter of 15 July 1944 file No. 5221 A—225 VI.

To the Reich Minister of Finance

Berlin W 8

Wilhelmplatz ½

In reply to the above letter, Jewish property [Judenwerte] which has been confiscated for the benefit of the Reich, that is, reichsmark amounts, Reichskreditkassen bonds, foreign currency in bank notes and specie, securities, jewelry, and items of all kinds made of precious metals is referred to.

It is impossible to enclose a list because of the vast quantity involved. The valuables accumulate in concentration camps. Reference is made to the fact that in this matter discussions have already repeatedly taken place with a deputy of the Reich Finance Minister. The last discussion was on 11 May 1943 between SS Major General and Major General of the Waffen SS Frank and Accounting Director Patzer. The realization [Verwertung] is to be carried out as follows: currency of all kinds as well as securities are to be dealt with by the Reichshauptbank, Department Precious Metals, Bank Counsellor Thoms; jewelry and utilitarian articles made of precious metals are to be realized by the Munici-

* This document was found in a folder of the Reich Ministry of Finance. The cover of this folder is marked "Secret Files. Reich Ministry of Finance, Department Gen. B. Group: Ref. Patzer. Contents: Gen. B/5."

pal Pawn Shop [Staedtische Pfandleihanstalt], Department 3, Central Office, Berlin N 4, Office Counsellor Wieser. In a discussion with the Plenipotentiary for the Four Year Plan, which took place on 24 July 1944, agreement was reached on the further expeditious disposition of accumulated valuables.

The proceeds [Erloese] are to be transferred to the Reich Finance Main Office [Reichshauptkasse] and be credited to the Reich Ministry of Finance, in the special account "Max Heiliger."

Reference is made to our report in this matter to the Accounting Office of the Reich, for information to the Reich Ministry of Finance of 19 November 1943—file No. A II/3 Reinh. secret journal No. 1–2/43, your file No. J 7070–89. I.

[Signed] SS Lieutenant General and
Lieutenant General of the Waffen SS

[Handwritten note]

To I (Fiebiger)

I request the previous paper J 7070–99 I and other previous or following files referring to the same matter.

PATZER 31 August

[Handwritten Note]

To Reich Accounting Office Director [R. Rech. Dir.] Patzer

J 7070–89 is enclosed, other pertinent records not available. Please return as soon as possible, as its resubmission has been ordered.

FIEBIGER, Record Office I k

TRANSLATION OF DOCUMENT NG–4094
PROSECUTION EXHIBIT 2451

LETTER FROM REFERENT DR. GOSSEL OF THE REICH MINISTRY OF FINANCE TO PATZER, REICH ACCOUNTING OFFICE DIRECTOR, 7 SEPTEMBER 1944, REQUESTING INFORMATION ON VALUABLES ORIGINATING FROM THE WARSAW GHETTO

[Handwritten] A 2070—12—Gen. B g
[Illegible initials]
Berlin, 7 September 1944

Referent Dr. Gossel
J 7461—214 I g 2 Ang.
To Reich Accounting Office Director Patzer
[Initial] P [Patzer]

The Reich Leader SS and Chief of the German Police—SS Economic and Administrative Main Office—has answered the question in what manner the property items found in the Warsaw ghetto were secured and utilized in a letter of 25 August 1944.[1] The letter states that the property owned by Jews—so far as it was confiscated during the resettlement operations by offices of the Waffen SS—was realized and the proceeds were paid to the Reich Finance Main Office [Reichshauptkasse] and the proceeds[2] credited [zugunsten] to the Reich Minister of Finance. [Handwritten] "Account Heiliger?"

According to the statements you have made till now, valuables with the mark of origin "Warsaw" have not been delivered to the Reich Finance Main Office.

Further investigations are requested.

[Signed] GOSSEL

[1] This letter is the last item in Document NG–5561, Prosecution Exhibit 3916, reproduced earlier in this section.

[2] The handwritten entry "Account Heiliger?" is in the margin of the original just beside the word "proceeds."

953402—52——24

TRANSLATION OF DOCUMENT NG–4097
PROSECUTION EXHIBIT 2450

HANDWRITTEN NOTES OF REICH ACCOUNTING OFFICE DIRECTOR, PATZER, TO GOSSEL AND MAEDEL, REFERENTEN IN THE REICH MINISTRY OF FINANCE, 16 NOVEMBER 1944, CONCERNING THE UTILIZATION OF JEWISH PROPERTY

General bureau
Referat Patzer
A 2070—12 Gen. B.g.
here booked 11

Berlin, 16 November 1944
[Stamp]
[Handwritten] November 17 [Illegible initial]
Read: [Illegible initial] November 17
Sent off: November 17 1944 [Illegible initial]

Secret

1. To Referent Dr. Gossel, Division I.
Utilization of property of Jews.
Your letter of 7 September 1944,* J 7461—214 I G 2 matter.

I recently ascertained at the Reich Finance Main Office that valuables with the mark of origin "Warsaw" have not been delivered there. According to a letter of 24 July 1944 AII/3 Reinh. /Ma./Ro. Secret Diary No. 66/44, from the Chief of the SS Economic and Administrative Main Office made known to me in the interim, the arrival of such valuables at the Reich Finance Main Office cannot be expected because the realization of them will take place in the following way:

The office may insert in the final copy from the attachment of the letter of Referent Maedel, dated 18 August 1944 (until).

The sums booked on the holding account "Max Heiliger" are wound up from time to time by Referat Maedel of Division VIII (formerly div. VI), as far as the budget is concerned. The amounts will be transferred to the account of the individual plan XVII, chapter 7, title 3, paragraph A.

2. To Referent Dr. Maedel, Division VIII.
Utilization of property of Jews.
Your letter of 18 August 1944, 5400–32/44 VI.

I am, unfortunately, not in a position to give more detailed information on the utilization of Jewish property falling [to the Reich] in concentration camps. I did not participate in the

* Document NG–4094, Prosecution Exhibit 2451, reproduced immediately above.

discussions mentioned in the letter of the Chief of the SS Economic and Administrative Main Office, dated 24 July 1944. The statement, referring to this, in the above indicated letter is due to a mistake. I do not consider my Referat principally responsible [Federfuehrend] in this matter.

The copy of the communication of the Accounting Office of the German Reich, dated 19 November 1943, which is mentioned in the enclosure to your letter of 18 August 1944, cannot be found out according to statements of the register office in the Reich Finance Ministry. In all probability it was destroyed by fire in the Reich Finance Ministry on 23 November 1943 before it reached the register office.

The answer to your letter has been delayed due to the search for the documents in the Reich Finance Ministry.

(Note) To 3 off

A.M. 16/11

BY ORDER:

[Initial] P [Patzer]

3. Reg. Gen. B.

Document I 7070–89 I of 19 October 1943 has to be returned to Reg. I.

4. After sending off to [illegible]. [Initials] Gos 21 November.

5. Files.

PARTIAL TRANSLATION OF DOCUMENT NO-2287-B
PROSECUTION EXHIBIT 1106

TELETYPE FROM HIMMLER TO BERGER, 9 SEPTEMBER 1944, NOTIFYING BERGER OF HIS BEING AWARDED THE CLASP OF THE IRON CROSS, SECOND CLASS, FOR WORK AS GERMAN COMMANDER IN SLOVAKIA

Teletype
To the German Commander in Slovakia
SS Lieutenant General Berger
Engerau

[Stamp]
For circulation
15 September 1944 /s/Pe
[Stamp] To the file No. 3209
Illegible initials

For your hitherto gallant and successful assignment in the pacification and reconquest of Slovak territory I bestow upon you the clasp to the Iron Cross, Second Class.

[Signed] H. HIMMLER

9 September 1944 RF/M.

Carbon copies with the request to take notice to—

1. Chief of the SS Personnel Main Office
2. Chief of the SS Leadership Main Office
3. Department for Medals and Decorations—SS Major Kment
4. SS Colonel Dr. Brandt

[Signed] GROTHMAN
SS Lieutenant Colonel and Chief Adjutant
[Illegible initials]
[Stamp] 25 September 1944

[Stamp]
SS Personnel Main Office,
Received 14 September 1944

TRANSLATION OF DOCUMENT NO–2282
PROSECUTION EXHIBIT 1107

SS MEMORANDUM, 19 SEPTEMBER 1944, CONCERNING THE TERMINATION OF BERGER'S POSITION AS GERMAN COMMANDER IN SLOVAKIA AND HIMMLER'S ENTRUSTING BERGER WITH THE ORGANIZATION OF THE HOME GUARD IN GERMANY

[Stamp]
To File No. 3219

[Handwritten] To be filed
Berlin, 19 September 1944

Amt I
Subject: SS Lieutenant General Berger

[Stamp]
Placed in circulation
[Handwritten] I 2

To:

1. Chief of Main Office
2. Amtsgruppe II
3. Amt I

SS Lieutenant General Berger turns over his task in Slovakia to SS Lieutenant General Hoefle. As a special task, the Reich Leader SS entrusted SS Lieutenant General Berger with the organization of the home guard [Landsturm] in Germany. All males, 15–65 years of age and as yet unassigned, shall be formed into the home guard. On 18 September 1944, SS Lieutenant General Berger has been awarded the clasp to the Iron Cross First Class by the Reich Leader SS for his performance in Slovakia.

[Illegible initials]
SS Lieutenant Colonel
[Stamp] 27 September 1944

TRANSLATION OF DOCUMENT NID–15534
PROSECUTION EXHIBIT C–4

DRAFT OF FORTY-SIXTH DELIVERY LIST FROM THE GERMAN REICH BANK TO THE PRUSSIAN STATE MINT, 24 NOVEMBER 1944, WITH ENTRIES SHOWING DISPATCH OF VARIOUS QUANTITIES OF ARTIFICIAL TEETH MADE OF GOLD AND PLATINUM ALLOYS AND OF VARIOUS QUANTITIES OF GOLD AND SILVER

Ka.

Clear copy handed out
Berlin, 24 November 1944
Main Cashier's Department
[Signed] THOMS*

Draft

[Stamp]
Processed:
Read:
Dispatched with 7 Enclosures
24/XI 1944
[Initial] H
To Prussian State Mint
Berlin
Subject: 46th delivery (M).

24 November 1944

We send you herewith—

		kilograms	*gross kilograms*	*bag no.*
378 No. 1/1:	Artificial teeth, platinum alloy [Weissmetal]	4,370	**5,647**	**1**
/4:	Plated	1,206		
379 No. 1/1:	Artificial teeth, gold	0,156	5,043	2
/4:	Gold	4,817		
380 No. 2/1:	Silver	28,591	28,855	4
381 No. 4/1:	Gold plated			
/2:	Artificial teeth, gold Artificial teeth, platinum alloys	25,157	25,373	7
382 No. 5/1:	Silver	22,950	23,385	8
383	Silver	21,235	21,503	9
384	Silver	17,633	17,910	10

with the request to melt and test the same.

German Reich Bank
Main Cashier's Department [Hauptkasse]
[Illegible signature] [Signed] THOMS
[Initial] M

* Albert Thoms, official of the Reich Bank, appeared as a witness in this trial. His complete testimony is recorded in the mimeographed transcripts for 9 June and 28 October 1948, pages 7929–7990 and 26636–26645.

PARTIAL TRANSLATION OF DOCUMENT NG-5248
PROSECUTION EXHIBIT 3926

INSTRUCTIONS OF DEFENDANT SCHWERIN VON KROSIGK, 19 DECEMBER 1944, CONCERNING THE TRANSFER AND USE OF PRECIOUS OBJECTS ACCRUING TO THE REICH, AND ATTACHING A DIRECTIVE DECREE OF THE REICH MINISTER OF ECONOMICS TO THE MUNICIPAL PAWN SHOP, DATED 16 OCTOBER 1944

1. Directive of the Reich Minister of Finance to the Senior Finance Presidents, excepting Prague, 19 December 1944

(1) Berlin W 8, 19 December 1944
Wilhelmplatz ½

The Reich Minister of Finance
0 5221 A—250/44
Utilization of precious metals and jewels through the Municipal Pawn Shop in Berlin

Decree of 31 March 1944 0 5400—51/44 VI

The Municipal Pawn Shop, Department III, Central Office, Berlin-NW 4, Elsasserstrasse 74, has started operations again.[1] I request that all objects made of precious metal, precious stones, and pearls, accruing to the Reich, be transferred to it.

The Pawn Shop carries out the utilization in the interest of the war economy and for the foreign exchange allocation office, and according to instruction of the decree of 16 October 1944, II/2/2—3129/44, issued by the Reich Minister of Economics. I enclose a copy of this decree.[2] I specially point to its paragraph 7. According to it, the Pawn Shop shall take over in the future, at domestic prewar prices, objects to be utilized.

Signed: GRAF SCHWERIN VON KROSIGK

To: Senior Finance Presidents—except in Prague.

2. Directive of the Reich Ministry of Finance to the War Booty Office, Reich Main Finance Office, 19 December 1944

(1) Berlin W 8, 19 December 1944

The Reich Minister of Finance
0 5221 A—250/44 VIII

Copy for your information

I request you to allow the Municipal Pawn Shop to utilize also the objects made from precious metals, precious stones, and pearls, which are stored with you.

[1] According to the file note of Kropp of the Reich Bank, dated 31 March 1944 (Doc. 3947-PS, Pros. Ex. 1914, reproduced earlier in this section), the Municipal Pawn Shop had refused to accept further precious objects or to process further precious objects already in its possession.

[2] Reproduced below as a part of this document.

Objects made from platinum and gold (bracelets, rings without stones, and pearls), old and working silver, silver shavings, and silver in rolls are immediately to be transferred to the Reich Office for Precious Metals in Berlin.

I enclose copy of the decree of 16 October 1944, II/2/2—3129/44, pursuant to which the Reich Minister of Economics has issued instructions to the Municipal Pawn Shop concerning the utilization of objects.

Signed: v. KROSIGK

Reich Finance Main Office [Reichshauptkasse]
War Booty Office
(1) Berlin W8

3. Directive of the Reich Minister of Economics, to the Municipal Pawn Shop, 16 October 1944, concerning the "utilization of war booty"

Copy

(1) Berlin C 2, 16 October 1944
Neue Koenigstrasse 27–37

The Reich Minister of Economics
II 2/2—3129/44
Appendix to my letter of 27 July 1944—II, 2/2–2603/44
Subject: Utilization of war booty.

The directives of 29 April and 12 May 1941 which were issued to you shall apply as a matter of principle for the utilization of all objects accrued, or to be accrued, in favor of the Reich—be it upon orders of the Reich Finance Ministry, the Reich Leader SS, the Reich Ministry of Justice, or of other authorities. For their detailed compliance I order the following:

1. Objects from platinum, as well as ornaments of low value but containing large parts of gold and silver, will be melted down and offered as raw material, through the Reich Office for Precious Metals, to the armament industry.

2. The remainder of the objects, except those mentioned under 4 and 5, are to be sorted out according to their suitability for export or domestic sale, in connection of which the greatest stress should be laid to export as many items as possible against foreign cash payments.

3. Valuable ornaments not suitable for export, particularly those with stones and pearls, or with a relatively low content of precious metals, are not to be used as scrap if the piece would fetch several times as much in Germany as the scrap would abroad.

4. Diamonds are to be selected according to the following viewpoints:

a. Items which can be exported as loose goods without recutting.

b. Those suitable for export after recutting.

c. Items suitable for indirect export after processing by the jewelry industry (so-called barrel-goods).

d. Items suitable neither for direct or indirect export. Items falling under *a* and *b* will be selected according to international standards and the directives of the Examination Office for Metal Goods. Items now available or becoming available under paragraph *d* shall be tendered for utilization as industrial diamonds to the Reich Office for Precious Metals in its capacity as allocation office for industrial diamonds.

5. Watches (pocket and wrist watches) must be separated according to whether they are in working order or not. Tenders will be submitted to the "Branch Group Watches and Watch Parts," located at Halle a. d. Saale, of (*a*) watches in working order (except those with platinum cases which must be broken up in every instance), taking into consideration the regulations concerning consumption of watches meanwhile put into effect; and (*b*) watches with cases from precious metals against a corresponding delivery of precious metal contents. Watches which are not in working order are to be removed from their cases and the precious metal as well as the mechanism utilized as usual. Repairable watches are also to be tendered the above branch group, and if expedient, they shall be sold to watchmakers.

6. Each item is to be valuated at its prewar price, and in addition—

a. The minimum export price will be determined for export merchandise.

b. The current market value shall be fixed for domestic sales goods.

7. The pawn shop shall pay for the items taken over at prewar prices.

8. Items to be used in Germany will be collected in parcels having a prewar value of about RM 10,000 and utilized through trustworthy commercial firms. Concerning the firms in question, I request that proposals be submitted to me in agreement with the "Economic Group Wholesale and Export Trade—Branch Group Stones and Pearls," which proposals are to take into consideration the entire Reich area. The firms receiving these items are to be instructed to resell them on preferential terms to persons who suffered damages from air raids. The sale must be

effected at the current domestic value determined according to paragraph 6 *b*.

9. Appraisers are prohibited from participating in the utilization.

10. Items designated for sale abroad are to be assorted in parcels according to sales possibilities in the countries in question. For each item, especially in the case of diamonds, a price is to be set on the basis of an export price list issued by the price examination office. Concerning the sales abroad of diamonds as well as jewels, the commission shall amount to 3 percent of the receipts and it shall be paid in reichsmarks at the official rate of exchange. In addition, the insurance expenses shall be reimbursed. Instead of cash payment for commission in case of export to—

Switzerland	50 percent
Spain and Portugal	40 percent
Sweden	30 percent
All other countries	25 percent

may be paid for in merchandise of equal value on the basis of prewar prices.

11. If required, a large number of appraisers are to be employed in order to expedite the work on hand. Furthermore, additional firms are to be drafted to handle the business abroad.

As Deputy to the State Secretary:

Signed: OHLENDORF*

To: Municipal Pawn Shop, Section III, Central Office,
Berlin C 2, Elsaessischestrasse 74

* Otto Ohlendorf, formerly Chief of one of the Einsatzgruppen and later a defendant in the Einsatzgruppen case (Vol. IV, this series), was at this time an official of the Reich Ministry of Economics.

DOCUMENT NID–15647
PROSECUTION EXHIBIT C–167

MEMORANDUM FROM THE CHIEF, FOREIGN EXCHANGE DEPOSITORY, OFFICE OF MILITARY GOVERNMENT FOR GERMANY, TO THE OFFICE UNITED STATES CHIEF OF COUNSEL FOR WAR CRIMES, 27 MAY 1948, CONCERNING THE DISCOVERY IN A SALT MINE OF PRECIOUS OBJECTS WHICH HAD BEEN EVACUATED FROM THE REICH BANK

Confidential (Classification)

INTERNAL ROUTE SLIP

Office Military Government for Germany, United States
(Rear Echelon) APO 757

File No.:

Subject: Melmer loot. Date: 27 May 1948

No.	From	Pass to—	Date	Has this paper been coordinated with all concerned—
1.	Chief, FED, APO 757	OCC, War Crimes, APO 696–A Attn: Mr. Verber	27 May 1948	Attached in duplicate are photostats requested by you in connection with the subject matter as follows: *a.* Receipt dated 24 November 1944 covering Shipment #46. *b.* Quittungsbuch der Edelmetallankaufskasse 10 October 33. *c.* Folio page 14, above record. *d.* Folio page 15, above record. *e.* Synopsis of shipment #1 (certified copy). Encl: a/s

[Signed] WILLIAM G. BREY
Colonel GSC
Chief, Foreign Exchange Depository

Telephone:
Frankfurt 21191
or Red line 61

Confidential (Classification)

Shipment No. 1

On 8 April 1945 an immense amount of gold, silver, jewelry, art objects, etc., was discovered in a salt mine in Merkers, Germany. These valuables had been evacuated from the Reich Bank in Berlin in the early part of 1945 and hidden in a vault in the salt mine for safe-keeping. Vast amounts of gold bars (8307), gold, silver coins, and currency made up the cache.

Included in the Merkers cache were 207 containers of SS-looted jewelry, silverware, coins, rings, teeth fillings, etc. A copy of a preliminary inventory is attached, in which the items are listed by general classification with the approximate weight of each classification.

Substantiation of the belief that these valuables are SS loot has been found in a Berlin Reich Bank record book known as the "Quittungsbuch der Edelmetallankaufskasse" in which the 207 containers are listed and numbered in the "Melmer" account. ("Melmer" is a code designation for SS loot deposits.)

30 January 1947

This shipment now completely inventoried. More exact statistical information can thus be obtained from inventory forms. Also (so far as gold and silver and platinum non-SS stuff is concerned) from "gold report."

Contents of Shipment 1 (Part which is SS loot)

	Estimated gross weight (lbs.)
tableware	1842.9
watches	594.8
fountain pens and pencils	2.6
scrap metal	3219.0
metal trays, candlesticks	169.8
gold coins	65.0
coins (other)	1776.5
paper currency	836.5
precious and semiprecious stone	256.7
rings (gold and other metal)	369.6
eyeglasses frames, metal and plastic	47.4
teeth filling, gold and silver	385.0
Reichsmarks	11.0
nondescript bars (appears silver)	120.0
gold bars	4.0
stamp collection	18.6
prepaid postage stamps	83.6
novelty jewelry	2270.6

Miscellaneous bars (apparently alloy of silver and gold)

20 large
3 medium
4 [sic]
2 small
1 bag

[Handwritten] Certified a true copy of record used by this office.
[Signed] F. J. ROBERTS
Chief, Claims Section,
Foreign Exchange Depository

27 May 1948

PARTIAL TRANSLATION OF DOCUMENT PUHL 45
PUHL DEFENSE EXHIBIT 45

EXTRACTS FROM THE "GERMAN REICH BANK LAW," 15 JUNE 1939, CONCERNING REICH BANK FUNCTIONS WITH RESPECT TO PURCHASE AND SALE OF GOLD AND FOREIGN CURRENCY, CUSTODY AND ADMINISTRATION OF VALUABLE ASSETS, PURCHASE AND SALE OF PRECIOUS METALS FOR THE ACCOUNT OF OTHERS, AND RELATED MATTERS

1939 REICHSGESETZBLATT, PART I, PAGE 1015

The German Reich Bank Law, dated 15 June 1939

The German Reich Bank, as the German bank of issue, is subject to the unrestricted authority of the Reich. Within the scope of its delegated functions, in particular the safeguarding of the German currency, it shall act for the attainment of the objectives set by the National Socialist government.

In order to establish the legal position of the Reich Bank, founded under the Bank Law of 14 March 1875 (RGB1. 177), the government of the Reich has enacted the following law, which is hereby promulgated:

I. Legal form and functions

Article 1

(1) The German Reich Bank is placed under the direct authority of the Fuehrer and Reich Chancellor.

(2) It is a corporate body under public law with its Main Office in Berlin. It is entitled to maintain branches.

* * * * * * *

IV. Scope of Business of the German Reich Bank

Article 13

(1) The German Reich Bank is authorized to undertake the following types of transactions:

* * * * * * *

4. To buy and sell gold and foreign currency.

* * * * * * *

6. To receive sums of money free of interest—in exceptional cases at interest—on Giro account [payments involving no actual cash transfer] or on deposit.

7. To assume the custody and administration of valuable assets, especially securities, the German Reich Bank has the position of a collecting agency for securities [Wertpapiersammelbank].

8. For account of others, upon receipt of cover in advance—

a. To effect banking operations.

b. To buy and sell precious metals.

(2) The Reich Bank Directorate shall publish the rates of interest applicable in the transactions of the German Reich Bank.

Article 14

(1) The German Reich Bank is required to purchase bar gold at its headquarters in Berlin at the fixed rate of 2.784 reichsmarks for one kilogram fine. It is authorized to have such gold examined and assayed at the expense of the seller.

(2) The German Reich Bank sells gold in bars from its available stocks at the price of 2.790 reichsmarks for one kilogram fine against payment in cash, if it is satisfied that the gold is to be used for purposes justifiable from the standpoint of the national economy.

* * * * * * *

Berchtesgaden, 15 June 1939.

The Fuehrer and Reich Chancellor
ADOLF HITLER

The Reich Minister of Economics
WALTHER FUNK

The Reich Minister of Finance
GRAF SCHWERIN VON KROSIGK

The Reich Minister of the Interior
FRICK

The Acting Reich Minister of Justice
DR. SCHLEGELBERGER

The Reich Minister and Chief of the Reich Chancellery
DR. LAMMERS

TRANSLATION OF DOCUMENT NO–4671
PROSECUTION EXHIBIT 2341

LETTER FROM DEFENDANT BERGER TO HIMMLER, 8 JANUARY 1945, PROPOSING A REORGANIZATION OF OFFICE GROUP C FOR THE PURPOSE OF IMPROVING SS IDEOLOGICAL AND OTHER TRAINING, AND LETTER OF BRANDT TO BERGER, 19 JANUARY 1945, STATING HIMMLER'S APPROVAL WITH ONE QUALIFICATION

I. Letter from Berger to Himmler, 8 January 1945

[Stamp]
Personal Staff Reich Leader SS
Registry
Secret/353
No. 41/45

The Reich Leader SS
The Chief of the SS Main Office
Chd SS/HA/Be/Steg/Diary

Berlin-Grunewald, 8 January 1945
Douglas Strasse 7–11

Subject: Reorganization of Office Group C [Amtsgruppe C]

Enclosure: 1

To the Reich Leader SS
and Reich Minister of the Interior
Berlin SW 11
Prinz Albrecht-Str. 8.

Reich Leader:

I ask for the approval of the enclosed plan for reorganization of my Office Group C.

The departure of SS Colonel Dr. Dambach, who has been my Referent for these subjects, compels me to introduce a new office to take over the work so far done by him.

I propose to appoint SS Brigadier General Fick as Amtsgruppe Chief, thereby reestablishing the connection between inspection and leadership of the Amt ideological guidance as it previously existed and proved valuable. As Chief of the Amtsgruppe, the inspector can exploit the results of his inspection most speedily and most completely.

Reasons

1. The importance of Department C I has very much increased as a result of the development of the past year. Altogether there are now 118 independent units which receive from Department C I instructions on specific assignments. Therefore, it is urgently necessary that Department C is led by a general of the Waffen SS.

2. The fact that Department C will be headed by the Inspector for the entire Ideological Training of the Waffen SS and Police will bring gratifying results because thereby the exploitation of the inspection results will be fully guaranteed.

3. The Department Chief cannot personally, for lack of time, take charge of the examination of ideological training pamphlets. He must, therefore, have a correspondingly trained staff leader at his side.

4. A limitation of the previous Amt C I to training and education and directly related subjects will increase the working efficiency of the Amt.

5. The previous Main Department C I 3 (Troop Guidance) has increased as a result of the constant growth of the assignments to such an extent that it must be rebuilt into an Amt. It need not be feared that training and troop guidance will be split, because the Department Chief will take care of the collaboration.

[Shorthand notes] applied for.

6. The main Department C I 2 has the task of maintaining, in the cultural political sector, liaison with all Main Offices of the SS itself and the corresponding guidance agencies of State, Party, and Wehrmacht. It must exert influence upon these agencies, of an informative as well as a guiding nature, and must be exemplary in the various fields (graphics, painting, sculpture, film, and theater) through practical performance. Above all it has the task of acting as an adviser to all agencies of the SS Main Office and of creating for this purpose the corresponding equipment, for example, a photograph center, etc.

7. The previous Amts C II and C III will gain by a closer union with Amt C I. For the rest their structure remains unchanged.

[Signed] G. BERGER
SS Lieutenant General

[Stamp] Personal Staff, Reich Leader SS
12 January 1945
No. 36/7/45

Plan for the Reorganization of Department C, Especially Amt C I
The Department Chief with Staff

1. *Amtsgruppe Chief:* SS Brigadier General Fick.
   Attached to him: 1 Adjutant and some assistants who are exclusively at the disposal of the Brigadier General in his capacity as Inspector
2. *Staff leader:* Of the whole Department C

3. *Personnel Officer for the Department VI:* SS Major Hohmueller

The Departments:

1. *Amt C I*:

   Ideological Guidance and Education: SS Lieutenant Colonel Webendoerfer
   C I 1—Ideological training and education
   C I 2—People's Grenadier Divisions
   C I 3—Literature and production of publications

2. *C II*:

   Troop Guidance: SS Lieutenant Colonel Dr. Wolf
   C II 1—Purchasing and delivery
   C II 2—Technical Department
   C II 3—Cultural Department
   C II 4—Stage, film, choirs, and amateur theater
   C II 5—Soldiers' Homes

3. *C III*:

   Cultural Political Guidance: SS Captain Dr. Heydt
   C III 1—Film and radio
   C III 2—Cultural Political Information Service and literature
   C III 3—Music and pictorial art. Further an independent branch directly under the Amt Chief: Guidance of newcomers and the liaison with Directing Staffs VI

4. *C IV*: Physical training (may retain its old structure with the old war strength record)

5. *C V*:

   Vocational Training: SS Lieutenant Colonel Dr. Borst

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2. Brandt's reply to Berger on behalf of Himmler, 19 January 1945

[Stamp] Personal Staff of Reich Leader SS
Registry
Secret/353

36/7/45 Bra/H

Field Command Post, 19 January 1945

Subject: Reorganization of Department C
Reference: Your letter of 8 January 1945—ChdSS/HA/Be/Steg/Diary No. 41/45

To SS Lieutenant General Berger
Berlin

953402—52——25

[Handwritten] To be filed. [Initials] BR [Brandt]

Dear Lieutenant General:

The Reich Leader SS has agreed to the reorganization of Department C as suggested by you. He wishes, however, that SS Brigadier General Fick not be appointed permanent Department Chief but, for the present, only Acting Chief.

Heil Hitler!

Yours

[Illegible initials]

[Initials] R BR [RUDOLF BRANDT]
SS Colonel

TRANSLATION OF DOCUMENT NO-347
PROSECUTION EXHIBIT 1103

LETTER FROM ROSENBERG TO DEFENDANT BERGER, 20 JANUARY 1945, GRANTING HIS REQUEST TO BE RELIEVED AS CHIEF OF THE POLITICAL LEADERSHIP STAFF OF THE EAST MINISTRY BUT REQUESTING HIM TO CONTINUE AS LIAISON OFFICER BETWEEN HIMMLER AND ROSENBERG

20 January 1945
No. 015798.45—R/H.—
Personally!

The Reich Minister for the Occupied Eastern Territories
To the Chief of the SS Main Office
SS Lieutenant General Berger
Berlin-Grunewald
Douglasstr. 10

Dear Party Member Berger!

In view of the strenuous duties recently conferred upon you, you asked me to relieve you as Chief of the Political Leadership Staff of my Ministry. I hereby comply with this request and thank you for your good will and cooperation which you showed toward me at that time and for the work you performed up to now. By the development of the last months, unfortunately it so happened that through the strenuous work mentioned before not everything could be as clearly discussed as we both would have desired it. But at this opportunity I would like to state that there is no change in our friendly relationship toward each other, and I hope that the necessary cooperation between the East Ministry and the SS Main Office will lead to a positive and loyal relationship as the interests of the Reich demand it just at the present time. Furtheron I would like to ask you also in future to remain liaison officer between the Reich Leader SS

and myself in order to safeguard the desired cooperation in this respect. I would appreciate it, if sometime we could once more discuss affairs which are of interest to both of us.

Thank you very much for your birthday greetings.

Heil Hitler!

Signed: ROSENBERG

2. AFFIDAVITS OF DEFENSE AFFIANTS DONANDT, SCHROEDER, AND SONNLEITHNER, AND TESTIMONY OF DEFENSE WITNESS VON SCHLABRENDORFF

TRANSLATION OF DOCUMENT KROSIGK 24
KROSIGK DEFENSE EXHIBIT 101

AFFIDAVIT OF MINISTERIAL COUNSELLOR WALTER DONANDT*, 20 MAY 1948, CONCERNING THE CARRYING OUT OF THE FINE ON JEWS AND THE POSITION TAKEN BY DEFENDANT SCHWERIN VON KROSIGK

I, Walter Donandt, born on 31 August 1904 at Bremen, formerly Ministerialrat at the Reich Ministry of Finance, now attorney at law in Hamburg, residing there at Breitenfelder Strasse 80, have been cautioned that I render myself liable to punishment by making a false affidavit. I declare on oath that my statement is true and was made to be submitted as evidence to the Military Tribunal IV at the Palace of Justice, Nuernberg, Germany.

1. As from 1943 I was personal adviser to the Reich Minister of Finance, and latterly I held the rank of Ministerialrat. As early as 1937 I was assigned to the Reich Ministry of Finance as Regierungsrat and worked in the department for taxes (Dept. III) of the Ministry as juridical assistant, section for evaluation and taxation of property. In 1939 I became a soldier. The beginning of 1940 I was once more with the Ministry for 3 months and was called up again for military service from which I was discharged in 1943 after having been severely wounded.

2. When by an order of Goering in November 1938 a special tax [Abgabe] of 1 billion reichsmarks was imposed on the Jews, which was to be collected by the Reich Administration of Finance, the Section for Evaluation and Taxation of Property in the Department for Taxes (Dept. III) of the Reich Ministry of Finance was the proper authority for the assessment of taxes, since the property of the Jews was to form the basis for the collection. I was—as already mentioned—working as Regierungsrat in this section and for this reason I know the following:

* Defense affiant Donandt was not called for cross-examination.

3. Neither our section chief, Ministerialrat Dr. Uhlich, nor we co-workers made any secret of our aversion to this new task, and we knew that in this we were in agreement with our Minister who had hitherto been openly endeavoring to keep the Reich Ministry of Finance aloof from everything which violated the principle of uniform treatment for all taxpayers. We had heard that the reason the Minister did not offer further resistance to the special tax on Jewish property was because in those days it appeared to him the only measure suitable to remove the cause of the wild excesses against the Jews before they culminated in a general pogrom.

4. The practical implementation of the assessment regulations issued by the Reich Ministry of Finance in regard to the special tax on Jewish property was effected in accordance with the wishes of the Minister, the tendency being to meet the taxpayer in individual cases and thus so far as possible to concentrate all cases requiring decisions at the Ministry; for this reason extension of the time limit for payment and abatement of taxes was in principle not to be granted by tax offices and Senior Finance Presidents. At that time we received Jews at the Ministry in numerous instances and in each case a solution was found which meant an alleviation of his difficulties for the party concerned. Many written applications from Jews bore the green cross of the Minister signifying that the Minister himself reserved the right to sign the decision. I can remember that the Referent was repeatedly called to the Minister in such individual cases and each time he returned with instructions that as many allowances as possible were to be made.

5. Subsequently the special tax on Jewish property even offered a means of putting a stop to unbridled Aryanizations. Aryanization purchases were often concluded for such a ridiculous countervalue that it made impossible the payment of the tax on Jewish property. The Reich Ministry of Finance repeatedly intervened in such cases and declared that profits from Aryanization transactions to the benefit of individuals were not allowed; it was to be insisted upon that the purchase price should correspond to the full value of the transaction. I remember that we had great difficulties in this respect, especially with the office of the SS Leader Raffelsberger in Vienna.

6. In this connection I wish to point out that the Reich emigration tax [Reichsfluchtsteuer] had nothing to do with the special tax on Jewish property nor was it in any way directed against the Jews or against political opponents of the Third Reich. The Reich emigration tax was introduced in 1931 by the then Reich Chancellor Bruening in one of his emergency decrees and applied

to all taxpayers who gave up their residence in Germany and thus were no longer subject to unlimited tax liability. The purpose of the Reich emigration tax was, as its name implies, to stem the flight of capital from Germany; it is still collected today in Germany as I know from my own experience as attorney at law.

Nuernberg, 20 May 1948

[Signed] WALTER DONANDT

TRANSLATION OF DOCUMENT WEIZSAECKER 95
WEIZSAECKER DEFENSE EXHIBIT 292

AFFIDAVIT OF HANS SCHROEDER,* FORMERLY CHIEF OF THE PERSONNEL DEPARTMENT OF THE FOREIGN OFFICE, 20 APRIL 1948, CONCERNING THE POSITION OF LUTHER AND DEPARTMENT GERMANY IN THE FOREIGN OFFICE

I, Hans Schroeder, born 22 October 1899 in Bruel/Mecklenburg, at present residing in Nuernberg, Muggenhoferstr. 2, have been cautioned that I render myself liable to punishment by giving a false affidavit. I hereby depose that the following statement is true to the best of my knowledge and belief, and was made to be submitted as evidence to the American Military Tribunal IV, case 11, in Nuernberg.

As a result of my work in the Personnel Department of the Foreign Office since 1936, where I was Department Chief from March 1941 onward, I was able to obtain an exact picture of the persons and events in the Foreign Office.

Regarding the former Under State Secretary and Chief of Department Germany, Martin Luther, I can testify the following: Luther, having been a member of the so-called "Office Ribbentrop" —a Ribbentrop institution outside the Foreign Office, which originated from the time before he became Minister—was called into the Foreign Office in the beginning of 1940. As Ribbentrop's special favorite, he was in charge of the so-called Department Germany and was instructed by Ribbentrop to wage war against the regular Civil Service and Foreign Office representatives, who were not well-disposed toward the Party. He was to collect evidence against these persons, report this to Ribbentrop and thus finally achieve the "Nazification" of the [Foreign] Office. Regardless of competence and rank he pursued this aim, just like his other business, independently or under Ribbentrop's immediate direction. His first ambition was to obtain the position of a Second State Secretary. In this capacity he would be in charge

* Defense affiant Hans Schroeder was not called for cross-examination.

of the Department Germany, the Information Department, Radio Department, Personnel Department, etc.

With the greatest indifference Luther persistently ignored the existence of the State Secretary as an institution. He did not observe that rule of etiquette which demanded his subordination to the State Secretary, von Weizsaecker. When reporting, or during verbal orientation, Luther bypassed von Weizsaecker whenever he felt like it, and this was easy for him since he was the favorite of Ribbentrop. His personal attitude toward Weizsaecker, too, was one of extreme antagonism.

It was not until winter 1942–1943 that Luther's position in the Foreign Office changed, inasmuch as it was at this time that he started to oppose also von Ribbentrop.

Nuernberg, 20 April 1948

[Signed] HANS SCHROEDER

TRANSLATION OF DOCUMENT WEIZSAECKER 19 WEIZSAECKER DEFENSE EXHIBIT 293

AFFIDAVIT OF FRANZ VON SONNLEITHNER, FORMERLY OF THE OFFICE OF VON RIBBENTROP, 7 JANUARY 1948, CONCERNING LUTHER'S FAILURE TO INFORM DEFENDANT VON WEIZSAECKER OF MATTERS SUBMITTED TO VON RIBBENTROP*

I, Franz Sonnleithner, born 1 June 1905 in Salzburg, residing in Berchtesgaden/Untersalzberg, have been warned that I render myself liable to punishment by giving a false affidavit. I hereby depose that the following statement is true to the best of my knowledge and belief, and was made to be submitted as evidence to the United States Military Tribunal in Nuernberg.

Under State Secretary Luther usually avoided channeling submissions to the Reich Minister of Foreign Affairs via the State Secretary of the Foreign Office, von Weizsaecker, which would have been the correct procedure. Once, when this omission to inform the State Secretary had unpleasant consequences, the Minister's office prevailed upon Ribbentrop to issue instructions that Luther, too, should make his submissions available to the State Secretary. However, Luther often took it upon himself to evade this instruction by pointing out the delay which this would cause and he frequently presented his submission directly to the Reich Minister for Foreign Affairs as before simply adding a note that the State Secretary had been informed. I repeatedly found, upon inquiring of the State Secretary's office or of the

* Franz von Sonnleithner testified as a defense witness. His testimony is recorded in the mimeographed transcript, 26 August 1948, 18474–18499.

State Secretary himself, as to whether the State Secretary had actually approved this or that of Luther's submissions, that in fact, Weizsaecker, contrary to Luther's statements, had not been informed. I know that Luther always adapted his official behavior to Weizsaecker to the trend of his relationship with Ribbentrop at the time and his own current plans.

Nuernberg, 7 January 1948

[Signed] FRANZ SONNLEITHNER

EXTRACTS FROM THE TESTIMONY OF DEFENSE WITNESS FABIAN VON SCHLABRENDORFF[1]

DIRECT EXAMINATION

DR. BECKER (counsel for defendant von Weizsaecker): Mr. von Schlabrendorff, will you please, first of all, give your full name for the record?

WITNESS VON SCHLABRENDORFF: My first name is Fabian; my last name is von Schlabrendorff.

Q. Describe your professional career, Mr. von Schlabrendorff.

A. I attended secondary school in Detmold and after graduation became a Referendar. Later I took the assessor examination and became an assessor. Then I was licensed to practice law, which I am still practicing today.

Q. What was your position during the war?

A. At the beginning of the war I was called up as a soldier. First I was a noncommissioned officer in an infantry unit; then I became an officer, a company commander, and in February 1941 I became a staff officer for special use [Ordonnanzoffizier z. b. v.] in the operations department of the staff of the Army Group Center.

Q. Mr. von Schlabrendorff, are you the author of the report published as a book by the American citizen Graevenitz under the title, "They Almost Killed Hitler";[2] in England under the title, "The Revolt Against Hitler"; in the German language edition under the title, "Officers Against Hitler ["Offiziere gegen Hitler"]?

A. Yes.

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[1] Complete testimony is recorded in the mimeographed transcript, 30 June 1948, pages 10526–10551.

[2] *They Almost Killed Hitler* (The McMillan Co., New York, 1947) is von Schlabrendorff's personal account of the resistance movement within Hitler's Germany prior to and during World War II. The volume was edited by German-born Gero v. S. Gaevenitz, who came to the United States in the twenties, stayed to become an American citizen, and served in World War II as Assistant to Allen W. Dulles, OSS Mission Chief in Bern, Switzerland. From Switzerland, Gaevenitz established and maintained contact with various anti-Nazi groups in Germany and later participated in the negotiations which ended in the capitulation of German forces in Italy.

Q. Is it correct that the American edition of this book has a foreword by General Donovan, the last paragraph of which reads as follows:

"This book, in addition to pointing a lesson to us Americans, reminds us of the self-sacrifice of brave men who died on the gallows under torture or in concentration camps because they dared, against hopeless odds, to plot the downfall of a tyrant."

A. Yes.

Q. Did you belong to the NSDAP or any of its affiliated organizations?

A. No.

Q. When did your work against the NSDAP begin?

A. My work against the NSDAP began before 1933. I was often a speaker at National Socialist election meetings where I spoke against the National Socialists. After 1933, as before 1933, I wrote newspaper articles against the National Socialists, until this was no longer feasible. Then, from Pomerania, I came into a conservative resistance group under von Kleist-Schmitzin, who was executed in connection with the events of 20 July 1944. In the course of the years we came into contact with other resistance groups. Because of the terror exercised by the National Socialists these individual resistance groups grew in the course of years into a resistance movement.

Q. Will you please tell us briefly what your connection was with what we call "resistance movement" today?

A. In 1938 I made the acquaintance of Hans Oster, who was at that time a colonel. Colonel Hans Oster was chief of the Central Office of the counterintelligence, which was under the leadership of Admiral Canaris. From 1938 on, one can speak of a resistance movement in Germany as a conscious and deliberate collaboration to overthrow Hitler and national socialism. Through acquaintance with Colonel Hans Oster I came into the core of the resistance movement.

Q. Before the outbreak of war did you have your own contacts abroad for the resistance movement?

A. Yes. Before the war the German resistance movement considered it important to have contact with countries outside Germany. I had much contact with the English journalist Ian Colwin who was stationed in Berlin. Through him I went to England before the war. There I had conversations about the German resistance movement with the later Prime Minister Winston Churchill and the English conservative leader Lord Lloyd.

Q. In connection with your activity in the resistance movement, did you learn of Mr. von Weizsaecker's collaboration with the

resistance groups in the fall of 1938, as well as the steps which he took in 1938 and 1939 through the Kordt brothers in London.

A. Not before the war. During the war I did.

Q. Mr. von Schlabrendorff, is it not astonishing that you learned of such enterprises only during the war, some time after they took place?

A. No, that is not astonishing, because the leaders of the German resistance movement wanted to keep as many things as possible secret among the members of the resistance groups itself, to preserve them as long as possible from Gestapo terror.

Q. Mr. von Schlabrendorff, from whom did you learn of these measures during the war?

A. I learned of them by accident after I myself went to see Baron Weizsaecker for personal reasons during the war and I told Colonel Hans Oster and his closest associate Reichsgerichtsrat Hans von Dohnanyi about this visit. Both men told me, when I informed them of my visit and my impression of Baron von Weizsaecker, "Don't you know that this man is in close political contact with us in the fight against Hitler and national socialism?"

Q. I shall now hand you [Weizsaecker] defense document book 5. I don't want to go into individual documents at this time—I merely want to ask you to look at the index and I shall then put to you a few questions about the most important persons mentioned there.* Will you please tell us briefly what position these persons held in the groups which formed the resistance movement? And please start with Chief of the General Staff Halder.

DR. KEMPNER: We object against this line of questioning. The witness is asked about the attitude of affiants. I think if there is any discussion about what kind of persons the affiants are, this should be brought out in cross-examination. But this witness is not an expert on the affiants of the defense.

JUDGE POWERS, Presiding: Well, I don't understand the question asked for their attitude particularly. The question asked that they be identified and placed in the resistance movement.

DR. BECKER: Yes. May I make a comment on that? In these documents are the affiants testifying about their own position

* Document book 5 of defendant von Weizsaecker was entitled "Resistance." It contained over thirty affidavits and several extracts from postwar books or reports concerning aspects of the "resistance" movement or movements in Germany, and defendant von Weizsaecker's relations thereto. The "Index" to this document book gives a brief summary of what the defense sought to prove by the documents in this document book. Two of the affidavits included therein have been reproduced in Volume XII, section VI D, that is, an affidavit of Lord Halifax, Document Weizsaecker 408, Weizsaecker Defense Exhibit 121, and an affidavit of Papal Nuncio Raphael Forni, Document Weizsaecker 448, Weizsaecker Defense Exhibit 414.

with regard to Mr. von Weizsaecker, or about the position of others?

JUDGE POWERS, Presiding: Well, I've overruled the objection, Doctor; so go ahead.

DR. BECKER: Then, will you please begin with Halder?

JUDGE POWERS, Presiding: I think it would be better, perhaps, rather than asking him to look at the affidavits, ask him about the people whose names appear in the affidavits.

DR. BECKER: This is Exhibit 269 and Exhibit 270.[1]

According to your own personal experience and knowledge, what was Mr. Halder's position in the resistance movement?

WITNESS VON SCHLABRENDORFF: I cannot tell you anything about that from my own knowledge. I can tell you only what I have heard from third parties—that is to say, from Colonel Hans Oster whom I have already mentioned. From him I learned that General Halder, Chief of the General Staff of the German Army, had been considered an active member in the struggle against Hitler and national socialism since 1938. He had been working since 1938 toward an overthrow of Hitler by military means. Later, according to Oster, there had been a split between himself and Halder.

Q. May I ask you to go on and describe briefly the positions of General Beck and Mr. Goerdeler in the resistance movement? Their names are also mentioned in this book.

A. General Ludwig Beck was recognized by all groups of the resistance movement as the head of this organization against Hitler. He was the leader. He was, in a sense, the brains of the German resistance movement. Lord Mayor Karl Goerdeler[2] was the motor or the heart of the German resistance movement who did not allow any reverses to hamper his work. In contrast to General Beck, he was a person about whom there sometimes existed a difference of opinion. I can testify about these two persons from my own knowledge, because I knew both of them. During the war I was in constant contact with both of them.

Q. In the next question I shall mention three names—Admiral Canaris, Colonel, later General, Oster, whom you have mentioned, and Mr. von Dohnanyi.

A. I knew all three of these men personally. During the war I was in regular contact with all three of them.

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[1] Weizsaecker Document 140, Weizsaecker Defense Exhibit 269 was an affidavit of Dr. Hasso von Etzdorf; and Weizsaecker Document 145, Weizsaecker Defense Exhibit 270, an affidavit of General Franz Halder. Both items not reproduced herein are contained in Weizsaecker document book 5. Extracts from Halder's testimony are reproduced in Volume XII, sections VI E (Poland) and VI H (U.S.S.R.).

[2] Former Lord Mayor of Leipzig. Goerdeler was tried before a People's Court after the attempt on Hitler's life on 20 July 1944, sentenced to death, and executed.

Admiral Canaris was the Chief of the German Counterintelligence; he had a personal fanatical hatred of Hitler and the National Socialists. He used his powerful position to place parts of the German Counterintelligence in the service of the German resistance movement.

Colonel Hans Oster, who was chief of the Central Office of Counterintelligence, worked under Admiral Canaris for many years, and he administered the organization of the resistance movement like a chief of staff, until about the spring of 1943; shortly thereafter, he was put in the officers' reserve, and retired.

His first assistant was Reichsgerichtsrat Hans von Dohnanyi, who, together with Oster and Canaris, had a very considerable share in the regular organization work under Oster and Canaris in the German resistance movement.

Q. Now, I should like to ask you about Ambassador von Hassell.*

A. I knew Ambassador von Hassell personally, too, and I had conversations with him. He was one of the Referenten on foreign policy of the German resistance movement.

Q. Do you know about something that's been discussed frequently in this trial—a certain tension later on between Weizsaecker and Hassell? And do you know anything about the cause of the tension?

A. I learned of this tension only from the diary of Ambassador von Hassell, which was published after the war. I know however that during the war members of the resistance movement called Ambassador von Hassell a little too talkative and for that reason there were sometimes minor controversies.

Q. Do you know anything about the young resistance group in the Foreign Office? And I shall mention the following names from this document book: von Haften, von Trott, Brueckelmeyer, the Kordt brothers, Etzdorf, Kessel, and von Nostitz.

A. During the war I knew only one of these people personally, Legation Councillor von Haften. Through him I heard that there was a number of young people in the Foreign Office who could be considered a strongpoint of the German resistance movement.

Q. Mr. von Schlabrendorff, why was this group important?

A. This group was important—and I might almost say decisive—for us because every action of the resistance movement could be undertaken only by considering the position with respect to foreign policy—to judge the position correctly and to establish contact with foreign quarters was the duty of these men in the German Foreign Office.

* Von Hassell was tried and executed after the attempt on Hitler's life on 20 July 1944.

Q. I should like to ask you about two men whose names I mentioned here—von Schwerin-Schwanenfeld and Fritz von der Schulenburg.

A. I knew both of them personally and I was in contact with them during the war. Count Schwerin-Schwanenfeld was a soldier at that time and had a military task in Berlin in the resistance movement. The second person Count Fritz von der Schulenburg, was also a soldier in the first part of the war. Later he became a civilian and had a political post in Berlin.

Q. What was the role of these two in connection with the resistance movement?

A. Schwerin-Schwanenfeld had a military assignment; he was to go into action when Berlin was occupied according to the plan. Count Fritz von der Schulenburg had a political assignment, he was to have a leading position in the proposed domestic administration.

Q. The last names which I want to ask you about are from the Protestant camp: Pastor Schoenfeld and Mr. Gerstenmaier.

A. I know both of these men but I met them only after the war.

Q. Are you not surprised that you met two such people—Mr. Gerstenmaier, for instance, was tried by the People's Court for resistance activity—only after the war?

A. No. I am not surprised, since I personally concentrated on the military aspects of the resistance movement and, besides, I deliberately avoided becoming acquainted with others unnecessarily. The resultant danger was avoided by us.

Q. Was there also a Socialist resistance group and what connection did it have with the groups you have mentioned?

A. There was a very important Socialist resistance movement in Germany. There were outstanding names in it—Carl Mierendorff, Haubach, Reichwein, Maas, Leuschner, Leber, and Jakob Kaiser. These persons, with the unions backing them, were in constant contact with the head of the resistance movement, General Beck. But these contacts were maintained with very special liaison men. It was not possible to contact these circles directly.

Q. When did you meet Mr. von Weizsaecker?

A. I met Mr. von Weizsaecker during the war. I cannot give you the day or the month now. It was between the Polish campaign and the French campaign. I remember the time because the reason why I went to see Mr. von Weizsaecker was the death of one of his sons, who was in a regiment affiliated with my division in the Polish campaign. That is why I went to see

Baron von Weizsaecker, to express my condolences to him and his wife about the son who had fallen in the Polish campaign.

Q. Do you recall any details of this first conversation?

A. In this first conversation I approached Baron von Weizsaecker very carefully because I was not sure of his political attitude; but I had the definite and certain impression in this first conversation that he was not a National Socialist, that he was an opponent of national socialism.

Q. But your friends in the resistance movement had not previously informed you about Mr. von Weizsaecker?

A. No. No one had informed me beforehand about Baron von Weizsaecker's personal attitude.

Q. And afterwards you learned from Mr. Oster what you have already mentioned?

A. Yes.

Q. Did you then, subsequently, talk to other leading resistance men about Baron von Weizsaecker?

A. Yes. I talked to Admiral Canaris about him and also to General Beck.

Q. How was Baron von Weizsaecker looked upon by the resistance movement, according to these conversations?

A. All leading men of the German resistance movement who talked to me about Baron von Weizsaecker made no secret of the fact that he was a man who shared our views, whose difficult duty it was to act as the National Socialist State Secretary of Foreign Affairs, and to work toward the same aims that we outside the government were working toward.

Q. Mr. von Schlabrendorff, do you remember from these conversations what these men expected of Mr. von Weizsaecker?

A. Yes. Dohnanyi especially and repeatedly told me that valuable information on foreign policy he had received from Baron von Weizsaecker.

Q. Did you visit Mr. von Weizsaecker often after this?

A. Yes. On the basis of the political impression which I gained at the first visit, I visited Baron von Weizsaecker whenever I was in Berlin. In contrast to the first visit, there was always a political reason for my later visits.

Q. Can you give us this reason?

A. Yes. During this war, while I was in the army, I tried to win over leading military men for the resistance movement. I believe I can say, without exaggeration, that I fought for the allegiance of several field marshals, especially Field Marshal Fedor von Bock and Field Marshal von Kluge. Both of these men had no doubts about the military position of the Third Reich. What they did doubt was the position with respect to foreign

policy and the consequences of a coup d'etat against Hitler from within. For this reason they wanted information and judgments on the political situation from an official personage. This personage I saw as Baron von Weizsaecker; and for this reason I went to see him frequently during the war.

Q. Can you remember any essential details of the information, which you got from Baron von Weizsaecker?

A. Yes. I remember that Baron von Weizsaecker, in describing the political situation, again and again emphasized that peace with Hitler was impossible for Germany. A prerequisite for peace was the overthrow of this man.

Q. Is it correct, Mr. von Schlabrendorff, that Mr. von Weizsaecker in various interviews explained this attitude with various examples from the foreign-political situation?

A. Yes, that's right.

Q. Did Mr. von Weizsaecker ever talk to you about his relationship with Ribbentrop?

A. Yes. I myself recall that, not without curiosity, I asked Baron Weizsaecker about his relationship with Ribbentrop. Baron Weizsaecker told me that sometimes he did not see Mr. Ribbentrop for weeks and had no contact with him and he made no secret of the fact that he was strongly opposed to Ribbentrop. He went so far as to extend his thesis, "no peace for Germany with Hitler," to include "no peace for Germany with Ribbentrop."

Q. Did you have the impression, from your talks with Mr. von Weizsaecker, that under the impressions of the great territorial gains of the German armies his political convictions which you have just described had been shaken?

A. On the contrary. I was always astonished when I came to Berlin from the field and visited Baron Weizsaecker and heard from him a clear and unvarnished judgment of the military situation, while many other persons who were not National Socialists or who were anti-Nazis were deceived by the reports of successes in the German communiques. I recall that, in contrast to the judgment of the situation by high military officials, Baron Weizsaecker said in the days of the big successes in Russia "that will come to an end before Christmas."

Q. Did Baron Weizsaecker ask you for information in turn?

A. Yes. He frequently wanted to know military details and he explained this wish by saying that the military information which he got officially was rather inferior.

Q. How was your own resistance work shaping up at this time?

A. My own resistance work was not much at the time. It consisted in mailman service, if I may call it that, between the

resistance group in the army in the field and the resistance group in the home army. It was necessary constantly to adjust these two groups and their actions to one another.

Q. Were you and your friends of the resistance movement aware at the time that Mr. von Weizsaecker was signing or initialing documents of a National Socialist character?

A. Yes. We knew that from our own experience. There was no one in Germany who could have evaded contact with national socialism. It was only a question of degree. From our own daily work and our insight into the work of the field marshals we saw that high officials in the Third Reich were daily forced to collaborate in work which either in form or in substance could be called National Socialist.

Q. Were you and your friends surprised when you read in the newspapers Mr. von Weizsaecker's speech made at the reception for diplomats returning from South America? I shall leave open the question of whether the newspapers reported this speech correctly.

A. I do not remember this speech. I remember only the fact that there was a speech reported in the newspapers at the time. I also remember that this speech was discussed by my friends. We agreed that such speeches were a mistake and a crime if one was honestly working for the National Socialists, but that they were necessary if one was working against the National Socialists and was forced to hold a post under national socialism in order to fight against national socialism.

I remember that my own later superior, during the war, was forced to make a speech on the occasion of Hitler's birthday and tried to avoid making it. I told him he had to make this speech. He had to make the speech which I was going to write for him and I did write a speech for him which used stronger expressions than Goebbels or Ley would have used, because we considered it necessary, before taking any action against Hitler and national socialism, to deceive Hitler and the National Socialists about our attitude and our power.

Q. Did you and your friends assume, for example, that Mr. von Weizsaecker, with whose peace policy you were familiar, signed various measures taken by the Foreign Office in connection with aggressive actions?

A. I did not know that at the time but I imagined it and thought that it must be so.

Q. Then you and your friends were able to understand Mr. von Weizsaecker's accepting membership and honorary rank in the SS?

A. Membership and honorary rank in the SS were for us external things. For a person fighting against national socialism and holding an important position for us, they seemed to us an advantage.

Q. Yesterday I gave you prosecution document book 60–B to read.* During your conversations in 1942 with Mr. von Weizsaecker did you suppose that Mr. von Weizsaecker would sign or initial such documents as you find in this book?

A. I did not know that at the time but I imagined it. I knew the work of many other persons in similar positions and above all I knew that during the war a person in the Foreign Office could make no decisions in these things. In most cases it was just a matter of taking notice.

Q. Did not the leaders of the German resistance movement and yourself believe that as an enemy of national socialism one should keep aloof from such unclean things?

A. Fundamentally we did believe that. I, personally, because of my temperament and my somewhat uncompromising basic convictions, would not have signed or initialed such matters, but that probably would have been wrong. Keeping in mind the goal, the overthrow of Hitler, it was necessary in our opinion to do such things, no matter how much they might weigh upon one's conscience.

Q. Do you recall from your conversations with Mr. von Weizsaecker any statements indicating his attitude toward crimes against humanity?

A. I remember one such conversation, which took place toward the beginning of our acquaintance. I was describing to Baron von Weizsaecker the atrocities in Poland and I recall the horror which Baron Weizsaecker expressed about these atrocities committed by Germans against Poles. He added "I see the day and the hour coming when these atrocities will avenge themselves many fold on the Germans." I know that he added, "Believe me, because of Hitler and the atrocities committed by him and his followers, God will not change his laws of good and evil."

Q. Mr. von Schlabrendorff, during this time when you talked to Mr. von Weizsaecker at intervals, did you have contact only with your superiors in the field army or did you also have regular contact with the other leaders of the resistance movement in Berlin, and did you discuss these problems with them?

* This document book was entitled "Foreign Office Defendants—Count Five. War Crimes and Crimes against Humanity; Atrocities committed against civilian populations." It contained over 50 contemporaneous documents dealing with the treatment of Jews from Denmark, Norway, Holland, Belgium, and France. Some of these documents are reproduced below in section IX C 1.

A. I also had much contact with the civilian heads of the resistance movement, especially Goerdeler. I myself arranged for Goerdeler to travel from Berlin to Russia, to Smolensk, under another name to talk to Field Marshal von Kluge.* In this way we discussed the same problems with civilian personages.

Q. Did you learn whether the leading persons, especially in the counterintelligence, received information not only from you but directly from Weizsaecker?

A. I didn't quite understand your question. Would you repeat it?

Q. My question was this. Did you learn that the leading persons of the resistance movement, especially those in counterintelligence, received information from von Weizsaecker in the same way as you did?

A. I know that specifically of Admiral Canaris.

Q. And the information which Mr. Canaris received from Mr. von Weizsaecker was the same information that you got?

A. Yes.

Q. Did you and Mr. von Weizsaecker agree that Hitler had to be removed?

A. Baron Weizsaecker never left any doubt in my mind about that.

Q. Now, in 1942 and 1943, what were the difficulties involved in an assassination, according to your own experience?

A. The difficulties involved in an assassination in 1942, and 1943, were in part that the resistance movement had great doubts about the expediency of an assassination. There were opponents of Hitler within the resistance movement who were against an assassination for religious reasons, for psychological reasons. There were also great technical difficulties. Hitler was not living like other people. He was always surrounded by all sorts of protective measures to prevent an assassination. To break through this protection and get to the man himself with any chance of success was extremely difficult. Also, even a successful attack was senseless unless political events at home and abroad were such that the continuity of the government in Germany could be maintained.

Q. By whom and how was this assassination to be carried out?

A. The resistance movement or various groups in the resistance movement repeatedly planned assassinations of Hitler. These plans were made most concrete when members of the High Command of the Army participated in the plans and saw a favorable opportunity when a new uniform was to be shown. On this occasion they thought Hitler could be blown up. We had to find

* Kluge committed suicide after the attempt on Hitler's life on 20 July 1944 and after the Gestapo had received orders to have him arrested.

a person who was willing to sacrifice himself in the showing of this uniform. A Captain Axel von dem Busche offered himself. The plan was not carried out because this Captain Axel von dem Busche was seriously wounded shortly thereafter. Also, Hitler himself several times declined to attend the showing of the new uniform.

Q. Mr. Schlabrendorff, how does it happen that the man you just mentioned was apparently at the Eastern Front in action, as I assume from the fact that he was wounded, fighting for the German Army and at the same time planning an assassination of Hitler?

A. The German resistance movement was not a profession to which one could devote oneself exclusively. We were Germans. We were in the middle of a war. We had to protect our country against the enemy by force of arms.

Q. Subsequently you yourself undertook the assassination of Hitler. Will you very briefly describe the essential points of this plan?

A. The High Command of Army Group Center tried to lure Hitler out of his headquarters. We succeeded in arranging a sham conference of the army commanders within the Army Group Center. We had prepared a package of English explosives and when Hitler and his party were getting into the plane to leave we put this package, camouflaged as cognac, into the hands of the men with Hitler. The plane should have exploded over Minsk. Because of the great cold in Russia and by accidents such as frequently occur, the English detonator failed and the plane arrived safely at headquarters. We had difficulty in getting the package back but we managed it.

Q. Afterwards you were able to see, by examining the package, that it failed to blow up for technical reasons?

A. Since I had given the package to the man personally when he was getting into the plane, I went after the package myself and got it back from the man personally, opened it myself, examined the fuse myself, and discovered that it had functioned at first, but at the end of the fuse the detonator had not exploded.

Q. Was this attempted assassination discovered?

A. I believe it was not.

Q. In what connection were you yourself arrested?

A. I was arrested after the attempted *coup d'etat* of 20 July 1944.

Q. Please give us a very brief description of your trial and the judgment?

A. On 17 August 1944 I was arrested at the Eastern Front and turned over to the Reich Security Main Office in Berlin. There

was an investigation by the Reich Security Main Office, in the course of which I was repeatedly and severely tortured. I was turned over to the judge of the People's Court who issued an order for arrest without even seeing me. I was dishonorably discharged from the German armed forces and I was tried for treason. I had four trials before the People's Court. The first two were dismissed because of objections of my defense. During the third trial, on 3 February 1945, there was a big American air raid on Berlin. The courthouse was hit and the president of the People's Court, Robert Freisler, was killed during my trial, while I escaped with my life. At the time of the fourth and last trial all the witnesses had been executed, and therefore I was acquitted. After my acquittal I was again arrested by the Reich Security Main Office and Heinrich Himmler condemned me to death by shooting. I was to be shot at the concentration camp Flossenbuerg, but before that could be done I was released by American troops.

* * * * * * *

Q. Are you of the opinion that the interrelations of the persons in the resistance movement were made clear in the proceedings?

A. I cannot answer that question with certainty.

Q. As you know, Mr. von Weizsaecker was assigned to the Vatican in 1943. What was the reaction of your friends and yourself to this step?

A. We who knew Baron Weizsaecker's convictions regretted this change of post very much, as far as our struggle against Hitler was concerned.

Q. Will you please explain very briefly what you have just said?

A. Baron Weizsaecker in the post of State Secretary for Foreign Affairs was an important support for the German resistance movement. When the change in his post came we had lost this support.

Q. The aims of the resistance movement then failed. From your experience in the technique of resistance in Germany, can you tell us anything about a man like Weizsaecker's remaining in office?

A. Resistance, not in a democracy but in a dictatorship, is, according to our experience, possible only when some members of the resistance movement are in official posts because success for a resistance movement in a dictatorship is possible only by collaboration between those who attack the dictatorship from outside and those who work secretly in important posts within the dictatorship.

Q. And as long as you were personally acquainted with Mr. von Weizsaecker, you considered him such a person?

A. Yes.

Q. Thank you. No further questions.

JUDGE POWERS, Presiding: Are there any other defense counsel who wish to examine the witness? If not, has the prosecution any cross-examination?

CROSS-EXAMINATION

DR. KEMPNER: Mr. von Schlabrendorff, you were a German officer, were you not?

WITNESS VON SCHLABRENDORFF: Yes.

Q. When were you called up for active service?

A. As a soldier?

Q. Yes.

A. I can't tell you the exact day. At the beginning of the war in 1939.

Q. And you were in the army until when?

A. Until I was dishonorably discharged in October 1944.

Q. At what front were you?

A. I was in the West. Then after the end of the campaign in the West I was transferred to the East, and I was at the Eastern Front for 3 years.

Q. In the time from 1939 to 1943, how often did you come to Berlin from the front and speak to Mr. von Weizsaecker—twice, five times, ten times?

A. I estimate that I spoke to Baron Weizsaecker seven to eight times but I was in Berlin much more often than that.

Q. You spoke to Baron Weizsaecker seven to eight times from 1939 to 1943?

A. Yes.

Q. Isn't that a little too high? Aren't you mistaken?

A. I was in Berlin much more often. It's possible that the figure I have given is too low.

Q. And in these seven to eight times you were in very close contact with him, were you not?

A. Yes.

Q. You said before that it would be necessary in preparing an assassination of Hitler to have things just right. Otherwise there is no point in an assassination?

A. Yes.

Q. That is a military conclusion?

A. Yes.

Q. When, on 13 March 1943, you undertook to assassinate Hitler—have I got the date right?

A. Yes. That is the date.

Q. How did you agree upon this assassination with your confidant Mr. von Weizsaecker with respect to foreign policy?

A. There was no agreement with Baron Weizsaecker.

Q. Did you tell him about this planned assassination at all?

A. No. There was a reason for that. We told such serious things beforehand only to persons directly affected.

Q. But he was your foreign policy support. You told us before that without coordination the government would not have gone on. This is my question: Who were the foreign policy experts who were closer to you than Weizsaecker, to whom you confided your plan of assassination?

A. I said before that my work in the resistance movement was generally limited to military circles. As far as foreign policy went, I talked essentially only to Oster, Dohnanyi, and Canaris. When the attack of 13 March 1943 was discussed, the military considerations were the defeat at Stalingrad, the approaching defeat in Africa, the resultant psychological effect on the soldiers and on the people at home, also the fact that General Olbricht, who was Chief in the General Army Office under the Commander of the Replacement Army, said that after the assassination he could seize power in Berlin. It was these people who had consultants on foreign policy.

* * * * * * *

Q. As expert for the resistance movement, you have given information about many persons here. I should like to know from you whether the so-called "Sippenhaftung" was in effect then, that relatives, children, grandmothers, aunts, of alleged resistance people were arrested?

A. Yes. I believe that was in effect.

Q. Do you know whether the relatives of Mr. von Weizsaecker were arrested or interrogated by the Gestapo at that time?

A. No. I do not know that.

Q. Do you know whether and when a contribution was made to the resistance movement by von Kessel, Nostitz, or the Kordt brothers?

A. I don't know that from my own observation. Later, after the war—

Q. I am not interested in that. I just want to know what you know from your own observation.

What relation, necessary for the resistance movement, was there between the German Foreign Office and foreign circles that Mr. von Weizsaecker, to your knowledge, established?

A. I heard from a third party, Reichsgerichtsrat Hans von Dohnanyi—

Q. Did you know anything about it yourself? Did you see anything yourself?

A. I did not observe anything myself, directly.

* * * * * * *

Q. You said that the defense counsel of Mr. von Weizsaecker gave you a document book 60–B?

A. Yes.

Q. Did he also happen to show you prosecution document books 59, 60–A, 61, 62, and 63?[1]

A. I can't tell you exactly the numbers of the books.

Q. How many documents did you read showing Mr. von Weizsaecker's participation in the deportation of Jews to the east, with which he is charged by the prosecution, how many such documents he signed? I am not talking about taking notice of anything.

A. I read quite a number of such documents as you have just described.

Q. How many other resistance fighters did you have in your movement who signed such documents?

A. We had, for example, SS Lieutenant General Nebe. He also collaborated in a number of such things.[2]

Q. Do you know that Mr. Nebe had nothing whatever to do with the mass murder of Jews in the East?

A. On the contrary, SS Lieutenant General Arthur Nebe was SS and Police Leader of Army Group Center, which is where I got to know him. I negotiated with him several times during the war. I know that during this time he did everything possible to prevent the murder of Jews and Russians or to reduce it to a minimum. But he was not able to prevent it completely and he was in a terrible conflict: Either to do it himself and reduce it to a minimum, or to go away and leave it to others, who would kill not one-tenth but 100 percent.

Q. As an expert on the resistance movement, I shall now ask you in conclusion, how many Jews is it permissible to murder if one's final goal is to do away with Hitler—how many million?

A. I would say nobody.

DR. KEMPNER: Thank you.

DR. BECKER: I have no further questions.

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[1] The prosecution document books referred to contain numerous further documents concerning the treatment of Jews in various countries. Most of these documents are contemporaneous documents, some of which are reproduced earlier in section IX B 1.

[2] Nebe played an active part in the extermination program in the occupied east. On 20 July 1944, while in Berlin, he joined a group of police officers who believed Hitler had been assassinated and who indicated a desire to join the government which was to succeed Hitler. Nebe was arrested and executed.

3. TESTIMONY OF DEFENDANTS SCHWERIN VON KROSIGK, LAMMERS, VON WEIZSAECKER, BERGER, AND VEESENMAYER

EXTRACTS FROM THE TESTIMONY OF DEFENDANT SCHWERIN VON KROSIGK*

DIRECT EXAMINATION

* * * * * * *

DR. FRITSCH (counsel for defendant Schwerin von Krosigk): Witness, I think I interrupted you and we can now discuss the point you were just proceeding to discuss, that is, November 1938, the so-called spontaneous uprising of the people against the Jews. Before that took place, even if only very shortly theretofore, did you receive notification of that "Crystal Day" [Crystal Week]?

DEFENDANT SCHWERIN VON KROSIGK: No. I received no information whatsoever. These abominable incidents came as a complete surprise to me. Even now I am still of the opinion that the murder of Legation Counsellor vom Rath by a Jew was only the exterior cause; the real motives are to be found at far greater depth than that. The real motives were based on the increasing radicalization of certain Party circles and they were due to the attitude maintained by these specific circles, to the effect that in this sphere the governmental administration was sabotaging the will of the Nazi Party by dilatory methods. That must have been the reason for the Party enacting the Nuernberg Laws. And now, again, that was the same reason for Goebbels inciting the masses to revolutionary methods. The result of this incitement of the public spirit was this abominable "Crystal Week" [Kristallwoche]. At the time when this occurred, and ever since, I have always considered this to be a disgrace on the character of the German people. At the time involved, I immediately called up Goering and Goebbels in order to put an end to these abominable excesses.

* * * * * * *

(Recess)

Q. We were just discussing the persecution of the Jews. I had asked you a question which I think you did not answer.

After these excesses had taken place who took things in hand?

A. The business was started by Goebbels. Then, Goering took matters in hand. He invited the Ministries to a conference on 12 November; that is the well-known meeting.

* Further extracts from the testimony of defendant Schwerin von Krosigk are reproduced in sections VI B and VI E, Volume XII, and in section X G, below.

Q. We now come to Prosecution Exhibit 1441, in document book 59, Document 1816–PS.[1] These are the stenographic minutes of the conference on 12 November 1938, under Goering's chairmanship. You were present, were you not?

A. Yes.

Q. How many people attended the conference?

A. That's very difficult to estimate. I think it would be nearer 100 than 50.

Q. And Goering invited the participants?

A. Yes.

Q. Now, a quite general question. Do the contents of the documents submitted, dealing with this question, in the main coincide with your memory of what took place?

A. Yes. In general, apart from the fact that, as the documents show, some parts are missing.

Q. Was this a conference, perhaps, with the idea of getting matters running again in an orderly way or what happened?

A. Goering had some ordinances before him which were already prepared. One of these was the ordinance concerning the imposition of a fine amounting to 1 billion marks.[2] He said that Hitler had ordered that. You can hardly call it a real conference. Goering did most of the talking. He would call now upon one man and then upon another to make suggestions about measures which might perhaps still be taken. The main part of the conference, as the minutes show, was concerned with the question of compensation by the insurance companies.

Q. According to the minutes you, too, were called up, as you call it. Please look at these parts of the minutes, first of all, page 58 of the English. Perhaps we might take all these parts together. Then, look at page 70 of the English and then page 78 of the English. What struck me when I read these minutes was the brief and somewhat negative nature of your answers; and I think you confirmed that. Was there a special reason for that?

A. I suppose that I need hardly explain that the whole atmosphere was utterly repulsive to me, as was the tone of what was said. In addition I was still very much influenced by what had just happened; so I wanted to keep out of it as much as possible, since I myself could do nothing about it. With reference to the first remark on page 58 of the English, I suppose that I need not say anything. In fact, I do not know anything about the extent of the damage. As for the second remark on page 70 of the English, I wanted to express my misgivings about

[1] Reproduced above in section IX B 1.

[2] Document 1412–PS, Prosecution Exhibit 2102, reproduced above in this section.

taking over Jewish securities in exchange for an entry in the debit account [Schuldbucheintragung]. On page 78 of the English I once again emphasized these misgivings. Of course, I could not permit securities to be thrown on the market from the Jewish side, thus spoiling the market for the Reich loan. It would not have been in the interest of the Jews either; and that is why, if such a fine had to be imposed at all, it was necessary, temporarily at least, to put a ban on the sale of securities. With reference to the last remark also on page 78, there I was referring to a suggestion made by Heydrich. That was the suggestion to encourage the emigration of Jews. This was along the same lines as the negotiations which I have mentioned, which had been started by Schacht.

Q. You said that Goering had the ordinances lying before him. Did these include the decree concerning the Jewish fine?

A. Yes.

Q. Was there any discussion on the subject or did Goering just announce it?

A. No one talked to me about it beforehand ever. There is something I would like to add. Before the "Crystal Week" nobody ever suggested to me that the property of Jews should in any way be put at the disposal of the Reich. The fact that I myself never made such a suggestion is, I suppose, something I need hardly emphasize.

Q. Didn't you yourself feel that this was a very dirty trick? First this whole business was staged and then the injured party was to pay.

A. Yes, certainly. I think that hardly requires discussion. At the beginning of my examination I said that I fought very hard with myself with the feeling of my duty to remain in office against the relief of getting rid of this burden. This battle was never as hard as it was at that moment. But I have already explained why I did remain and I don't want to go into it again now.

Q. Well, then Goering announced this decree about the Jewish fine. I am now having book 57–B given to you.

JUDGE POWERS, Presiding: Counsel, I dislike to interrupt. I take it you are aware that count four of the indictment has been stricken.* This document relates to the period involved. If material at all, it's only to show the attitude of the defendant. I hope you won't spend too much time on it.

DR. FRITSCH: No, it's only from that point of view that I wanted to discuss it.

* The order of the Tribunal dismissing count four of the indictment is reproduced above in section VIII F.

DR. FRITSCH: Have you got [Document 1412–PS, Prosecution] Exhibit 2102 before you? It's page 99 of the English. Article 2 entrusts the Minister of Finance with the issuing of implementation regulations. You were not asked beforehand about that assignment?

DEFENDANT SCHWERIN VON KROSIGK: No.

Q. Did you do anything in order to get rid of the assignment?

A. No. In this situation that would have been quite useless. What had to matter to me was only to execute these regulations in a way which as far as possible, avoided hardships and took into consideration both humane and economic considerations.

* * * * * * *

Q. With reference to the problem of the treatment of the Jews I have one more question. These matters have been repeatedly discussed here. I would only like to hear your personal attitude. What did you know about the so-called Final Solution [Endloesung] of the Jewish Question?

A. I cannot remember ever having heard the term at all before the collapse. At any rate I was not aware of any physical extermination as a solution of the Jewish question.

Q. The prosecution naturally says that many people in Germany knew it and asks why you, as a minister, did not know it. Is it possible for you to explain that?

A. Of course it could not remain hidden from me that in wartime Jews were evacuated from Germany. All the less since the property they left behind them was transferred to my financial authority for administration and evaluation. But as far as a plan, the execution of such a plan went, that this evacuation was to lead to extermination, that is something of which I never heard anything at all. When I asked I was always told that these measures were equivalent to the internment of enemy nationals in wartime for security reasons.

Q. At that time were you ever given the name of a place where they were taken?

A. The East was mentioned quite generally. I only heard one name. That was Theresienstadt. That was given to me as a place which had been evacuated by other inhabitants and made available for the settlement of German Jews.

Q. I would like here to refer to an affidavit, Krosigk Document 222, which I will submit as Krosigk Defense Exhibit 45,* in our document book 1. That is a statement by Attorney Eckart Koenig who once went to see you and who now confirms how pleased you were about the fact that Dr. Grabower, the present

* Not reproduced herein.

Finance President of Nuernberg, was taken to Theresienstadt. Koenig says that he noticed that you had no idea what was really up. However I would like you to explain how it is possible for a man in your position to have known nothing of all these things.

A. I know how difficult it must be to understand for people who did not experience the conditions at that time. It was one of the most important methods of government that Hitler employed; to use his secrecy apparatus, to restrict everybody, up to the highest positions, to the knowledge of such matters as belonged to their spheres.

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Q. Let us now refer to two further prosecution exhibits to be found in this same document book 75, specifically Document NG–4097, Prosecution Exhibit 2450, and Document NG–4094, Prosecution Exhibit 2451,* pages 167 and 169 of the English, respectively. This is an exchange of correspondence between two officials on the staff of your Ministry, that is, Gossel and Patzer, in which they discuss assets found in the Warsaw ghetto.

Did you have anything to do with this matter and, if so, what are you able to tell us about it?

A. Of course, I did not know this exchange of correspondence. All I remember is that on one occasion in connection with some report or other one of the Referenten mentioned that large treasures had allegedly been captured in the Warsaw ghetto and he tied this up with the question as to whether the SS had enriched themselves or whether these items had been turned over to the Reich; and the Referent also mentioned on that occasion that nothing was known officially of this matter. Presumably he had made inquiries with the respective departments, inquiring as to whether these items had been captured under the laws of warfare and whether they had been turned in to the Reich. I don't know any further details concerning this matter. All I know is that subsequently I was told that no Warsaw property had been turned in to the Reich and that it was impossible to verify whether the notices reported to me by my Referent were perhaps based on false information.

Q. You really had no reason to pursue any such matters in detail, did you?

A. No, certainly not. Of course, if you permit me to say, the Reich Ministry of Finance was a rather passive institution, and people had to call upon us and ask us to intervene but it may be that one or the other Referenten might possibly have

* Both of these exhibits are reproduced in section IX B 1.

been too zealous in the carrying out of his duty and, as a result, he may have made inquiries as to whether it wasn't possible that certain property which should have been officially turned in may have been retained in the hands of the wrong people.

Q. We have another very typical case in evidence which presumably refers to a matter that was called to the attention of the Reich Ministry of Finance. I am referring to prosecution document book 75, which contains Exhibit 2449, on page 163 of the English, which is Document NG–4096.* I just mentioned the name of "Account Heiliger" ["Konto Heiliger"], which is a cover name for this account. Do you know the importance of this account?

A. No. I don't know how many accounts the Reich Main Finance Office may have had in their books. In any case, I am sure there must have been thousands of such accounts. Now, as far as this "Heiliger" account is concerned, I never heard of it before this trial took place, nor did I know this letter of the SS Economic and Administrative Main Office. It wasn't submitted to me, which can be seen clearly beyond all doubt from the photostat in evidence. The same applies to the contents of the communication. The Referent did not report the contents to me. What I knew was that certain treasures were in the hands of the Reich Main Office, which had been captured by the Wehrmacht and turned in to the Reich Main Finance Office. It is necessary for me, once again, to emphasize the fact that the Reich Main Finance Office was an agency of the entire Reich, and all the Ministries made use of the Reich Main Finance Office. Now, what individual accounts may have been maintained there and what amounts were paid into any such accounts was a thing which the individual departments handled within their jurisdiction, say, for example, the Reich Minister of the Interior had, let me assume it just for this once, illegally acquired assets and paid them into an account with the Reich Main Finance Office, in which event there was nothing I could do to change that. I wasn't even notified about that with a single word. This resulted from the over-all structure of organization of the entire Reich administration.

Q. In the prosecution document that we have just now discussed, the SS Economic and Administrative Main Office refers to a discussion they had with the Deputy of the Reich Ministry of Finance. In connection with such a merely technical procedure, why was it necessary at all to call in conferences?

A. I don't know the answer to that either. Normally it wouldn't have been necessary but, furthermore, this seems to be wrong

* Reproduced in section IX B 1.

because, as can be seen by Patzer's letter to Gossel, it says specifically that this statement is based on an error of fact. Patzer, in any case, says that he did not take part in any such conference.

Q. This last question refers to the same prosecution exhibit, English pages 167 and 168, where you will find this Patzer statement that you just referred to. Do I understand you correctly to say that this Patzer-Gossel correspondence, to all practical intents, refers to a settlement of procedure in regard to the expenses involved in connection with assets turned into the Reich Main Finance Office by any of the Reich Ministries or Departments?

A. Yes. That is correct. That's the very thing.

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Q. Let us now discuss Prosecution Exhibit 2452 in prosecution document book 75, page 170 of the English, Document Number NG–4905.* This is a circular letter issued by Geheimrat Schlueter and signed by him, he being a member on the staff of your ministry. He notifies the senior finance presidents that the deportation of Jews from the Reich area was proposed to take place to a city located in the eastern territories and the law concerning public enemies was to form the basis of this deportation operation. Did this circular letter of Schlueter come to your knowledge?

A. No. I don't think that I previously knew this circular letter but I do know that as far as the technical handling of the property was concerned which deported Jews left behind them, this matter was reported to me by Schlueter. He reported to me at the time that the Regierungspraesidenten would hold jurisdiction to pass the necessary confiscation orders, and these officials were agencies of the Reich Ministry of the Interior. It was mandatory for the Jews prior to their deportation to submit registration lists of their property to the Gestapo, and these property registration lists were passed on to the Finance Administration and the latter was responsible for the administration of this property as well as its utilization. Schlueter reported to me, saying that in conformity with my general directives, it had been ordered that a special file was to be drawn up for each individual case and an account index card was to be set up covering each individual case which was to show the incoming as well as the outgoing items in detail, so that at any time it should be possible to have a proper survey concerning the actual status of the property involved. At that time I again emphasized to Schlueter

* Reproduced in part earlier in this section.

how necessary it was to maintain these property indices up to date and to store them in safe locations.

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Q. Count Schwerin, you cosigned the 13th decree pursuant to the Citizenship Law. That is Prosecution Exhibit 2456 in book 75 on page 189 of the English, Document 1422–PS.[1] I am having this document passed to you.

(The witness is handed the document.)

This decree provides that punishable acts committed by Jews are to be prosecuted by the police and that after the death of a Jew his property is forfeited to the Reich. In accordance, first of all, with what you have been saying, I am starting from the assumption that this decree was submitted to you because of the possible forfeiture of property into the hands of the Reich, is that correct?

A. Yes.

Q. Did you have no misgivings about signing this decree on account of its other contents?

A. The other contents were actually no business of mine, but if we are to go into the question of misgivings at all, I can say the following: I remember quite clearly that at that time this decree was submitted to me with the statement that, on the basis of a Hitler order, matters had already been handled for the last 9 months in the manner provided in the ordinance, that is, the prosecution of punishable offenses by the Jews by the police instead of by the courts, and it was quite hopeless to attempt to undertake anything directed against this Fuehrer order and against this regulation of procedure. For me, however, the following consideration also played a part. In the Jewish question as in a number of other questions, as I have repeatedly mentioned, the main thing seemed to me to gain time. I was convinced that the official promulgation would guarantee greater protection under the law than if the police, as heretofore, handled the matter more or less anonymously. Nothing is more detrimental to an agency than acting in the dark. With respect to the task imposed on me under this decree of taking over property, everything had been done in order to register such property accurately, as I have already described.

Q. I would like here to refer to an excerpt from the judgment in the Justice Case, which was tried before a Military Tribunal here in Nuernberg. This is [Krosigk] Defense Exhibit 74 in book 2, [Krosigk] Document 160.[2] This describes the actual

[1] Reproduced in section IX B 1.

[2] This extract from the judgment in the Justice Case is not reproduced herein. The complete judgment is reproduced in Volume III, this series.

practice such as was customary long before the decree was issued. Now, before we leave this subject, I would like to come back once again to your personal attitude in these matters. You had mentioned that the Crystal Week was the most terrible thing for you. You have already mentioned your over-all plan of alleviating the hardships of a few people as much as possible and said that this in the main was why, at your friends' advice, you did not resign. Did you achieve this goal?

A. Of course, I unfortunately could not achieve in full the goal which I had in mind. I have already described the measures I undertook in the execution of laws and decrees so far as my Ministry was concerned with them, in order to carry out the alleviation policy I pursued. The second thing that I still could do, and that is what I always tried to do, was to help in individual cases. I have already mentioned that although I was not successful in all such cases I, at any rate, never turned a deaf ear to any single request addressed to me. This also applied particularly to these Jewish cases. I considered it one of the most important parts of the functions of a Minister at that time, particularly because there no longer existed any parliament before which complaints could be aired. It was specially this part of my ministerial work which strengthened me in the feeling that I considered it a necessity to remain in office. If I had not been there, the applicants wouldn't even have dared to hand in a request and if they had done so, none the less, it would have been thrown into the wastepaper basket. To furnish only some idea of the kind of requests made to me, I have already discussed the requests submitted concerning the remaining in office of officials who were related to Jews, other requests concerned hardships resulting from the collection of the Jewish atonement fine, other hardships arose out of the 11th supplement to the Reich Citizenship Law, further requests were concerned with the possibilities of emigration. Then it was always a matter of obtaining the necessary foreign currency from the Ministry of Economics. Finally, I received requests to prevent the evacuation which threatened. Up to the outbreak of war, I tried to make possible the emigration of the largest possible number of Jews. During the last years, on the other hand, I was trying to protect as many Jews as possible from threatening evacuation. Inevitably as a protective measure this involved playing for time. From this point of view, one must explain and assess many measures of that time.

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Q. Count Schwerin, 3½ years have elapsed since the collapse. You have had many experiences in that time and have found out

many things that you did know before 1945. You have reflected on your position in the 12 years of Hitler's rule. What is your own opinion now of that period? And of your behavior during that period?

A. I served the Hitler government initially because I held it to be my duty as a civil servant. This was under the only government that political conditions at that time made possible. I felt I should not desert work and my administration. Later, because only from such a position was I able to prevent injustice so far as my power extended and preserve valuable institutions and help those who were afflicted and finally because I considered it a manifestation of lack of character to desert the sinking ship, I remained. Personal ambition played no role in my decision to do so. From today's point of view and in the full knowledge of matters now which were not then known to me, my behavior might, at that time, be regarded as politically erroneous. Politically erroneous primarily for this reason—because under dictatorship, whether dictatorship by one person or by a party, all decent respectable work and all honest effort must finally be brought under the service of the dictatorship. That is the tragic lesson we have learned during the past 12 years—a lesson that not only I have learned, but others. But my decisions must be evaluated from the status at that time and any considerations that bore with that time. And from that point of view, if I were once again faced with the same decision, I should again act as my duty commands in the same way as I did then. It was perfectly clear to me that this decision would bring me into inner conflicts and in such a position it is dreadfully difficult always to do the correct thing. Nor do I assert myself that I was free of err. Out of deep conviction I take a part in the Declaration of the Evangelical Churches of Germany made at Stuttgart which confesses the weakness of Christians. But from there to criminality is a long way. I did not consciously and deliberately take part in any crime. On the contrary, so far as my powers extended, I combatted that and endeavored, in my own doing, and in my office, to maintain the principles of right and morality. Three more sentences, if the Tribunal will permit. Consequently, after the capitulation I considered it the most basic duty of all men who had occupied leading positions to tell the whole and pure truth so that the crimes committed under the Hitler government might be named by name and not beautified, but also to throw their weight in favor of a just evaluation of these men who had acted not out of ambition or opportunism, but from a decent sense of duty and during this regime had conducted a quiet but stubborn fight for the good. Consequently, I also held it to be

my duty, in view of the problem of national socialism, as well as the problem of communism, to emphasize that such radical tendencies are unpaid bills which are presented to the leading classes. If these bills are not paid in time, then the creditors will see to it that they are reimbursed one way or the other. That was the case in national socialism. God grant that not again will unpaid bills bring incalculable misery upon the world.

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CROSS-EXAMINATION

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MR. HARDY: * * * What do you know about the Warsaw ghetto?

WITNESS SCHWERIN VON KROSIGK: Officially I know only what I have already testified to during my direct examination, that on one occasion Referenten of mine spoke about the question as to whether assets and property from the Warsaw ghetto had or had not been delivered to the Reich Main Finance Office. Later there were rumors to the effect that this was not the case.

Q. Well, did you supply the funds or make available the funds for the demolition of the Warsaw ghetto?

A. I know—I can't tell you the exact year now—that funds were requested for hygienic reasons, as it was said then, to undertake rebuilding there in the Warsaw ghetto.

Q. Well, to refresh your recollection, I wish to show you Document NG–5561, which I mark for identification as Prosecution Exhibit 3916.*

JUDGE CHRISTIANSON, Presiding: Document NG–5561 will be given identification number 3916.

MR. HARDY: Now, on the first page of that photostat, your initial appears at the bottom, doesn't it?

WITNESS SCHWERIN VON KROSIGK: Yes.

Q. And you propose there that you will supply or make available the necessary installments for the demolition of the Warsaw ghetto, but that you weren't quite able to authorize the entire expenditure at that time.

A. Yes. This corresponds to what I said, namely, that funds—and here we find the year 1944—were requested for the demolition of the ghetto.

Q. Well now, if you will look at page 3 of the original, the last note, addressed to you as Reich Finance Minister, we find in the last paragraph that the moveable property in Jewish hands was realized and the proceeds paid in favor of the Reich Finance Minister. Is that true? Were they actually paid to you?

* Reproduced above in this section.

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A. I cannot say. I never saw this letter before. With the best will in the world I cannot answer that question.

Q. Well, did the proceeds—ignoring the letter for the moment—did the proceeds of the Jewish property confiscated from the Warsaw ghetto go to the Reich Finance Ministry?

A. I have already told you, I cannot tell you, I don't know. What was reported to me was that none of these funds reached the Reich Main Finance Office.

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EXTRACTS FROM THE TESTIMONY OF DEFENDANT LAMMERS[1]

DIRECT EXAMINATION

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DR. SEIDL (counsel for defendant Lammers): On 20 January 1942 a conference took place with Heydrich at Berlin-Wannsee. The alleged minutes of this conference were submitted by the prosecution in book 76. It is in the same document I mentioned just now, that is, Document NG–2586–G, Prosecution Exhibit 1452.[2] Were these records submitted to you? Did you read them or hear of them in any other way?

DEFENDANT LAMMERS: These weren't records. They're just one-sided minutes, compiled in the RSHA. If, which I doubt, these minutes were really sent out to everybody who attended the meeting, which included my Ministerial Councillor Kritzinger, I must still deny that they were ever submitted to me or that I ever read them. These minutes are something I would have remembered. I don't think that they ever reached the Reich Chancellery and I have quite a number of reasons for supposing that. On the other hand, it is not impossible that Kritzinger reported to me about this conference, but that was a very brief report and did not in any way indicate that the extermination of Jews might be intended. That is something I would undoubtedly remember. Nor do I think that when Kritzinger reported to me he knew about these minutes or had seen these minutes at all; otherwise he would have reported to me in more detail, emphasizing certain factors. I am sure that he was invited to the conference and attended it without my knowledge, without getting instructions from me, which I could not give him, and I am convinced that he did not make any statements on my behalf at the meeting.

Q. But didn't you consider the matter to be so important that you asked to report to the Fuehrer on this matter?

[1] Further extracts from the testimony of defendant Lammers are reproduced in sections VI D, VI E, VI F, and VI H, Volume XII, and below in section XI C 2 (Slave Labor).

[2] Reproduced above in this section.

A. At the beginning of 1942 I asked the Fuehrer for an opportunity to report on the matter, and this was granted. I wanted to find out what this final solution [Endloesung] was all about and whether it was true that he had given corresponding orders, and what their contents were. However, the Fuehrer refused to discuss these matters with me. He only said that he had given Himmler the order for the final solution, namely, for the evacuation of the Jews from Germany. He also said that Himmler was responsible to him alone, and that he would inform me if my participation should turn out to be necessary.

Q. After this report, that is, this first report to the Fuehrer, what instruction did you give to your assistants in the Reich Chancellery?

A. Immediately after this report, I ordered my officials to refrain from making any comments on this matter if it should ever crop up anywhere in the Reich Chancellery. The reason I gave was that, for my part, I must refuse to comment on it in any way until after I had had an opportunity to report in detail to the Fuehrer. In particular I also ordered that if invitations should be received to any conferences by any of my officials, he was to attend only in the capacity of a listening post, without making any statements.

Q. Witness, on 6 March 1942, a meeting took place in the RSHA, concerning the Final Solution of the Jewish Question. Ministerial Councillor Boley attended on behalf of the Reich Chancellery. He has already appeared as a witness before this Tribunal.[1] The file note concerning this meeting is in book 76, on page 195 of the English, 236 of the German. This file note is again in a part of Document NG–2586, Prosecution Exhibit 1544.[2] Did Boley report to you about this meeting and if so, what did he say?

A. I did not know in advance that this meeting was imminent; I was not in Berlin; Boley reported to me about it. However, he did not report verbally but just sent me a very brief note concerning his attendance at the meeting, sending it through Ministerial Director Kritzinger. All I was able to see from this note at that time was that the meeting had taken place and that the outcome had been negative—I think, in fact, that that very word was used—but that on the other hand I was expected to make some comment.

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[1] Dr. Gottfried Boley, a Ministerial Councillor in the Reich Chancellery, 1941–1945, was a defense witness. His testimony is recorded in the official mimeographed transcript, 18 February and 22, 23, and 26 July 1948; pages 2094–2123, 13388–13424, 13533–13569, and 13711–13771.

[2] Reproduced in part above in this section.

Q. Witness, weren't you alarmed by the file note of Boley, and what action did you take?

A. Certainly, the mere fact that a meeting took place at all, of whose details I had no knowledge, was enough, in connection with Boley's file note and probably also with a file note of Kritzinger, to do that. I reported to the Fuehrer, and some weeks later I was able to see him. I wanted to have a detailed discussion and get to know the Fuehrer's views because, otherwise, I could not possibly give any comments or state my own position. Once again the Fuehrer would not discuss the matter with me and cut short what had been intended to be a lengthy report with words to the effect that during the war he did not wish to hear any more reports in Jewish matters. He had more important things to do now, and other people should have more important things to do. Finally he said, pretty clearly, that he wished that an end might be put to all these Jewish affairs, once and for all. He added that after the war he would make a final decision as to where the Jews were to go. I remember he said that then there would be enough room in the East or in other places where the Jews could be taken. That was my report to the Fuehrer.

Q. What did you do after the second report to the Fuehrer?

A. The Fuehrer decision I just mentioned put to me quite a perfectly plain end to the treatment of the question of the final solution for the duration of the war. I immediately sent out information to this effect to Goering, to the Minister of the Interior, to the RSHA; I know that I also informed Schlegelberger and Stuckart; and probably also a number of other agencies who had approached me during that time on this matter and whom I could only put off again and by saying that I would report to the Fuehrer.

Q. How did you interpret Hitler's remark that after the end of the war he would decide where the Jews were to go?

A. I thought it was a reference to the various projects concerning the setting up of a separate territory for the Jews, a sort of autonomous Jewish state, or reservation, or whatever you want to call it. There was a lot of talk about such projects at the time. I had heard about them, without having myself gone into the question in any detail.

Q. After your report to the Fuehrer, and after his decision, did you issue any instructions to your associates in the Reich Chancellery?

A. Yes. I informed the more important ones of the Fuehrer's decisions and these gentlemen interpreted it as being a definite victory over the RSHA. Then I ordered that, first of all, any

possible requests from the RSHA for statements of our position were to remain unanswered, since this had now become superfluous, after the Fuehrer had decided and the decision had been passed on to the RSHA. Quite generally at that time I forbade any statement of position at all and again ordered that if anybody attended any meetings, he was to consider himself only as a listening post and that on such occasions he was to refer in the first place to the Fuehrer decision and otherwise was to listen without saying anything.

Q. But did the RSHA not urge you to state your position?

A. For a definite reason I remember perfectly that some weeks after the meeting of 6 March we got a reminder from the RSHA. I remember that, because this reminder was put in a somewhat unfriendly form. It was reproachful. All other departments had answered but I had not. In addition it was signed by a little official, which was an act of discourtesy to me. So I ordered that one of my associates, I forget who, should answer on his own initiative, saying that I refused to state my position.

Q. And what was the reason he gave for that?

A. I have forgotten the exact reason, but I am sure one was given, and it will have been dependent on whether I already had the Fuehrer's decision at the time or whether I had not yet received it. In the former case, presumably the reason would have been that I refused because I had to report to the Fuehrer; but if the letter reached me after I had received the Fuehrer's decision, then I am sure the reason given will have been the Fuehrer's decision itself or, at any rate, reference will have been made to it.

Q. Was there any further correspondence at this stage of affairs?

A. I can remember that I did correspond with State Secretary Schlegelberger* in the Ministry of Justice, and State Secretary Stuckart in the Ministry of Interior; but that must have been prior to the last-mentioned report to the Fuehrer and prior to the stop which I imposed.

Q. We will come to the details when we come to the document. Now, did you learn that in spite of this stop order by the Fuehrer, the evacuation of Jews continued?

A. Yes. As time went on, I heard rumors to that effect. I did not make any observations of my own on the subject. Especially, however, I heard that the RSHA, in spite of the Fuehrer decision, was continuing to work on evacuation.

Q. And what did you do?

* Franz Schlegelberger, Acting Reich Minister of Justice from January 1941 to August 1942, was a defendant in the Justice case, Volume III, this series.

A. When I heard that, which must have been about the summer of 1942, I again approached Himmler and asked him why, in view of the Fuehrer decision, anything was still being done. Himmler was very hesitant and very evasive and said that he alone was responsible for evacuations. However, it was not only a matter of evacuation. There was no consultation required on that subject. He was now concerned with the persons of mixed descent and it had to be considered whether they should be included in the evacuation and put on the same footing as the Jews; and, further, there was also the question whether one should not also include the so-called privileged Jews, that is, those living in a so-called mixed marriage, with an Aryan partner, and here it must be examined whether a facilitated divorce should not be introduced, or even a compulsory divorce. I told Himmler that I must still obtain a Fuehrer decision because I had understood the Fuehrer's decision to mean a stop put on the entire question of the final solution, including persons of mixed descent and privileged Jews, for the duration of the war.

Q. Did you again report to the Fuehrer, as you said you would? That would have been a third report to the Fuehrer. What came of it?

A. In the summer or fall of 1942 I again reported to the Fuehrer and I referred to the conferences taking place and the rumors about evacuation. The Fuehrer said, "I stick to my decision; but I have no objections about conferences or consultations on the subject. Let them consult," and he added, "For the duration of the war I do not want any more reports on the subject. Himmler is responsible to me and you need not bother about these matters."

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Q. In individual cases did you not receive complaints because of the evacuation, and also because of killings, and what did you do about them?

A. I would like to differentiate here between evacuation and killing. I knew nothing of killings at the time. On the other hand, from a number of complaints concerning evacuations, I saw that these evacuations were actually still going on. When I referred Himmler to the Fuehrer's stop decision, he again referred, without going into any details, to the fact that he had the Fuehrer's orders which he had to fulfill, and then said something to me to the effect: "Keep out of it. It is none of your affair. I alone am responsible to the Fuehrer in the matter." Thus, when in 1943 I realized from incoming complaints that evacuation was still going on, I always sent the individual complaints to Himmler. In most cases I got a decision from him

which met me halfway, where the people for whom I was interceding were exempted from evacuation.

Q. Can you remember any such individual cases?

A. You will understand that I remember only very few of all these cases I handled, namely, those where I knew the people concerned. As for the many who were unknown to me, of course I do not remember the names; but, to give an example, Himmler was approached with reference to two former Ministers of Justice, Schiffer and Joel,* who were both full Jews. He agreed to exempt them from evacuation. Joel was married to an Aryan and was allowed to remain at home. Schiffer, I believe, had to clear out of his apartment but found accommodation in another building in Berlin. As far as I know, he was not evacuated. Mr. Kritzinger handled these matters, under me. He had an interest in these two men, under whom he had once worked, in the Ministry of Justice. I remember another case, namely, that of the former Cabinet Minister of Lippe, Freiherr von Eppstein, in whom I also took an interest. I remember a certain Lower Court judge, Sachs, in Silesia and another man in Munich, where I successfully put a stop to these evacuations. Finally, I must quote the mother-in-law of Dr. Killy, who worked in the Reich Chancellery. She was Jewish. When Mr. Killy approached me, because she had been told she would be evacuated, I approached Himmler and in this case, too, he complied with my wishes.

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Q. Witness, I must return to the killings of Jews. You stated that you had no knowledge of that. But I must nevertheless ask you, didn't you at least hear rumors of such killings of Jews, and what did you undertake on hearing them?

A. Only in the year 1943 did such rumors come to my knowledge and this happened through private conversations and through a few anonymous and pseudonymous letters. But for me these rumors remained rumors. I looked into them. However, I never succeeded in ascertaining anything positive regarding the truth of such alleged facts. People bringing me such rumors never wished to stand their ground and withdrew when I tried to pin them down to their statements. It always turned out that they would name their informants or did not wish to and that they themselves were not eyewitnesses. I myself always had the impression that such rumors rested solely on the listening to foreign radios which was strictly forbidden and punishable and in the last analysis no one wished to confess this activity.

* Dr. Curt Walter Joel, Reich Minister of Justice from October 1931 to May 1932. Not to be confused with Guenther Joel who was a defendant in the Justice case, Volume III, this series.

So far as I looked into letters that were actually signed, I found out that these pseudonymous letters, and so far as I wished to pin any individual down to an actual deposition of facts, that never came about because the persons did not wish to stick to their stories and could produce no actual recounting of facts, and were themselves not eye witnesses.

Q. Aside from these more or less private investigations, didn't you take any official step or consider such a step necessary?

A. Yes. I turned both to Himmler and to the Fuehrer. These rumors first induced me to make representations to Himmler and he denied vehemently and indignantly that such killings were taking place. He referred to the Fuehrer order to evacuate the Jews. He said that of course cases of deaths occurred during the transportation of old and sick people because of air attacks and so forth, and moreover the Jews were employed in special camps in the East in war essential labor. He pulled from his desk a thick photograph album and showed me the tailor shops, shoe repair shops, saddler shops, and so forth, in these photographs representing this work. Then he said to me, "Name to me the people who bring forth such rumors." That I could not do because I had no positive proof and because I did not wish to name those who had told me something because they could not bear that responsibility. I told him rather that I considered myself under obligation to report these matters to the Fuehrer and to this Himmler replied, "Do what you have to. I can't prevent you. But I advise you not to do it because I alone am responsible to the Fuehrer for this evacuation which was ordered."

Q. Did this statement of Himmler's reassure you?

A. No. I did apply for permission to report to the Fuehrer, as I had told Himmler I would, and after many weeks it was granted. The Fuehrer gave me much the same answer as Himmler had given me, and added that he didn't want this matter dealt with during the war. He would later decide where the Jews were to be sent. I had the impression that Himmler had been to the Fuehrer in the meantime and had probably told him that I was going to report to him on these rumors. On this occasion the Fuehrer also demanded that I bring forth positive proof for alleged killings of Jews and that I should name those purveying the rumors. First of all, I couldn't do this, and second, I didn't want to name people who could not and did not wish to stick to their stories.

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Q. In what then did the problem of the final solution consist so far as you understood that term at that time and I emphasize your understanding of the term at that time?

A. The solution was to lie in the evacuation of full-blooded Jews, and secondly, a regulation of some sort concerning the privileged Jews and the half-Jews.

Q. Witness, on the basis of the minutes of the three meetings of 20 January 1942, 6 March 1942, and 27 October 1942* put in by the prosecution, are you still of the opinion that no program for exterminating the Jews was ever set up and that, secondly, with regard to including half-Jews and privileged Jews in the evacuation or other measures, no program was set up?

A. Yes. I am of that opinion. At least this program never came to my attention. The program cannot have been set up.

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CROSS-EXAMINATION

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DR. KEMPNER: Dr. Lammers, you are one of the few surviving statesmen of the Third Reich who knew the Fuehrer and his work very well; is that correct?

DEFENDANT LAMMERS: Very well is saying too much. I had a certain amount of insight into his work and way of life.

Q. Thank you. You are not, I am sure, one of those people who now, after the defeat, deny the Fuehrer and shift the blame for Germany's catastrophe to him alone. Is that correct?

A. The Fuehrer actually, of course, was the most guilty person in this catastrophe because he inspired everything, and he by his actions brought about the catastrophe. As for shifting blame to him I can't do that. I am convinced that actually he wanted the welfare of Germany. Whether his means were always the right ones is something different.

Q. Thank you. Dr. Lammers, later I am going to ask you the following question: Do you still maintain that you did not know, during the time you were in office, that thousands of Jews were killed in the East? If you do not maintain this stand now at this moment, then I have no further questions, but I just wanted to ask you once again at the beginning.

A. Yes, I must maintain this statement within the framework of my former testimony.

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Q. * * * Did it not impress you at that time when Hitler at the famous conference of 16 July 1941 about the future of Russia talked quite openly in your presence about shootings in these

* Reference is made to records of the Wannsee Conference of 20 January 1942, Document NG–2586–G, Prosecution Exhibit 1452; the conference of representatives of various agencies on 6 March 1942, Document NG–2586–H, Prosecution Exhibit 1453, and Document NG–2586, Prosecution Exhibit 1544; and the conference of 27 October 1942, Document NG–2586, Prosecution Exhibit 1544. These documents are reproduced in part earlier in this section.

territories? Book 37, page 19, Exhibit 527.* Did it impress you that the Fuehrer talked about shootings quite simply like that?

A. I don't know if I heard that. As far as I remember it was Keitel who said that and the way it is in wartime, "Well" he said, "whoever doesn't toe the line will be shot."

Q. Wasn't that rather violent?

A. Well, the Fuehrer sometimes did use rather violent expressions, but they weren't meant the way they were said and I never put them down that way. Only Mr. Bormann in his file notes always selected this type of word which could also be interpreted in another way too.

Q. But the people were shot though.

A. Well, I don't know who was shot in Russia. People are being shot all the time in wartime; things go on all the time.

Q. Quite right. Dr. Lammers, I come to my eleventh question. How often were you in Hitler's presence and in the presence of Rosenberg when he made such remarks about the Jews, as "The Jews are the misfortune of the world. They must be wiped off the face of the earth," or similar?

A. I don't remember that in my presence such questions were discussed by Rosenberg. We usually discussed administrative questions.

Q. Thank you. Don't you know that the Nazi regime wanted to destroy Christianity no less than Jewry?

A. Not on the same scale. The separation of church and state was certainly one of the aims of the Fuehrer and of other people, but extermination of Christianity was something propagated only by the extreme radicals.

Q. Thank you. Were you present when Hitler in the spring of 1941 repeatedly made the following remarks in the presence of Alfred Rosenberg and others about the Catholic Church, such as "antiquity is better than modern times because they didn't know Christianity and syphilis." Were you present when he said that?

A. I don't remember.

Q. Were you present when in 1940 to 1941, or in the course of 1941, he said during lunch that, "the Catholic Church is a disgraceful institution. I am in favor of each Catholic district electing its own pope." Didn't you hear that?

A. I did not hear that remark. On the contrary I repeatedly heard Fuehrer remarks in which he referred to the organization of the Catholic Church as being of a model character and I frequently discussed this question with him.

Q. Very well. Question 15. Dr. Lammers, were you present when Hitler during lunch at headquarters once said that one

* Document L-221, reproduced in section VI H (U.S.S.R.), Volume XII, this series.

should not say too publicly what he thought about the Catholic Church but that after the end of the war he would destroy it?

A. I can't remember such a crass remark. I only know that repeatedly he said that after the end of the war he would tackle the Church question.

Q. Were you present when on 20 July 1941 Hitler at the famous conference—that is, the Russian conference—made fun of Mr. von Papen's suggestion that Christianity in Russia must be restored?

A. You speak of a conference on 20 July. Did I understand you correctly?

Q. Yes, 20 July.

A. You don't mean the one on 16 July, by any chance?

Q. I beg your pardon, Dr. Lammers, a conference on 16 July, and I have Mr. Rosenberg's notes on it dated 20 July.

A. I can't remember the name of Papen even having been mentioned. Of course, the Fuehrer often talked about him as a typical exponent of catholicism, that is, of political catholicism.

Q. Mr. Rosenberg made some handwritten notes on the subject, but you don't remember it? Very well. Isn't it a fact, Dr. Lammers, that your agency, in the winter of 1941–1942, received copies of the Einsatzgruppen reports containing information about the ruthless killing of thousands of Poles, Russians, and Jews by the Einsatzgruppen?

A. I didn't get any Einsatzgruppen reports. I didn't even hear the name Einsatzgruppen until later.

Q. Very well. Do you remember whether your agency got these reports?

A. I don't know anything on the subject, and my inquiries on the subject have been fruitless.

Q. Do you remember that your State Secretary, Kritzinger, talked to you about these killings in the East and that he was very deeply impressed by them?

A. No. He only told me about certain evacuations which made a great impression on him.

Q. Very well. As you said you knew that Gauleiter Koch, whose appointment decree was signed by you, murdered people in the Ukraine? Did you think that Jews were exempted from these killings?

A. I had reports of murders supposed to be committed by Koch only in the form of allegations and no facts were proved to me. I only know of this one report mentioned here that in an area which he wanted to use for hunting, according to reports received, murder was supposed to have occurred. He denied it and maintained that this territory had been cleared of partisans,

moreover, heavily armed partisans, and that that is where these deaths occurred. The case was never entirely cleared up. As for the killing of Jews by Koch. I don't know anything on the subject.

Q. The information you got was signed by Mr. Alfred Rosenberg. He said hundreds of people had been shot down in Zuman and the surrounding territory; that, of course, the Ukrainians don't believe the reasons given for the shootings; and that the whole country maintains that all these people were just shot down without being tried because resettlement was assuming too large proportions and there was too little time for it. Your Honors, may I offer this report, Document 032–PS, for identification, as Prosecution Exhibit 3901.

JUDGE POWERS, Presiding: So marked for identification.

DR. KEMPNER: I have no further question about it. Now, I come to question 20. From your testimony, I gather that you considered it necessary for the Reich to obtain foreign labor in connection with the war, is that correct?

DEFENDANT LAMMERS: Yes.

Q. You knew that foreign labor was brought from France, the Netherlands, Serbia, and other states to Germany, is that correct?

A. Yes, by way of recruitment.

Q. There were masses of workers, weren't there; in fact, I believe millions toward the end?

A. I think at the end we were employing something like five million foreigners.

Q. Did you ever protest to Hitler against this?

A. Labor allocation was not my sphere. All I did was to bring certain reports to the Fuehrer's attention.

Q. Now, as you said, Jews were evacuated to the East as workers. Why did you protest in the case of Jews being sent to the East for work when you never protested in case of Dutchmen, Serbs, and all the others?

A. Because the evacuation from Germany, naturally, drew a lot of attention. It was politically far more significant. It came much more to my notice through the reports than was the case when people were brought here from abroad. Moreover, in the case of foreigners, these were recruits, whereas in the case of Jews, it was a matter of forced deportation. That is why in these latter cases which were brought to my attention more frequently. I thought I ought to take more energetic action in as far as I could.

Q. Dr. Lammers, you know that the recruiting of Frenchmen and Serbs, and Dutchmen, wasn't as voluntary as all that, was it?

A. Well, in some cases there was legal labor conscription, for instance, in France, and I think it was introduced into other countries too.

Q. Very well.

A. But that was legal.

Q. Tell me, is it correct to say that the National Socialist regime was in the first line against foreign Jews, then against German Jews, and then half-Jews, and then quarter-Jews—who still had a certain value—is that correct in this sequence?

A. Well, I heard of people who stood up for this sequence, but I can't say more than that. It was certainly not set up officially.

Q. So the quarter-Jews were better off than the half-Jews, and half-Jews were better off than full-Jews?

A. Yes, certainly. It was even laid down in the Nuernberg Laws.

Q. Very well. In 1942 Schlegelberger and Stuckart suggested the sterilization of half-Jews. Did you consider this to be in the nature of better treatment than the war work done by full-Jews in the East?

A. I was always against sterilization; both in the case of evacuation and in the case of sterilization of half-Jews I was against it. Nor did the latter ever come off. However, relatively in these two matters I told the people who discussed the problem that I thought sterilization the lesser evil all the more since I heard of cases where such suggestions had even come from half-Jewish circles who believed that by this means they might avoid the threat of possible evacuation by having themselves sterilized. In principle, however, I objected to both, and in fact neither the evacuation of half-Jews nor sterilization of half-Jews ever took place.

Q. Tell me, Dr. Lammers, some of these half-Jews who voluntarily offered themselves for sterilization through their attorneys, didn't they, through their attorneys, inform your agency that they would rather be sterilized than killed in the East?

A. No. I didn't get such information. I didn't know anything about killings.

Q. Very well.

A. Anyway, these were only individual cases.

Q. I see. Did Hitler, let's say, in 1941, give you any information about his view that no Jews would be left in Germany after the war?

A. I can't remember that for certain but I heard, and I suppose he occasionally said that in conversation, that really all Jews would have to get out of Germany. That was discussed, as was the founding of a Jewish state or reservation somewhere or other.

DR. KEMPNER: I am now going to offer for identification Document NG–1123, a letter of Dr. Lammers to Bormann of April [June] 1941, as Prosecution Exhibit 3902.[1] Lammers informs Bormann that the reason why the Fuehrer rejected certain legislation was that he was of the opinion that after the war there would be no Jews left in Germany anyhow. I have no further question on that.

JUDGE POWERS, Presiding: It will be so marked for identification. Have you got copies of it?

DR. KEMPNER: Yes, this is the only copy which seems to be here, but I will have copies after the recess. And may I give my one copy to Dr. Seidl?

I come to question number 27, and this is—As a Reich cabinet member and former State Secretary, I would like you to tell me why, in some cases, state secretaries' conferences which were called together during the war, was the importance of the question the necessity of coordinating a matter?

A. Since the Reich cabinet no longer met and because the Fuehrer as you might say had forbidden meetings of Ministers, the only means of contact between the Ministries concerning current business was occasional state secretaries' meetings. These developed in the last months of the war so that they were taking place almost every day because otherwise there would have been no contact at all, and then they were forbidden, too, by the Fuehrer through Bormann. He had me told that these state secretaries' conferences must no longer take place.

Q. When was that, approximately?

A. January or February 1945.

Q. Very well. Were minutes taken of such conferences which were then sent on to other officials or to the Ministries?

A. I don't know for certain. Usually I only received brief verbal reports about things that my State Secretary thought he must tell me about.

Q. Very well. Concerning Document NG–2586–G, Prosecution Exhibit 1452,[2] the minutes of the famous Wannsee conference, the state secretaries' conference on 20 January 1942, do you know that about 100 copies of these minutes were distributed and that the Foreign Office, down to the rank of legation counsellor, had copies in their files?

A. I don't know to what extent minutes were distributed. I myself never received them.

Q. Very well. Do you know that even members of German

[1] Reproduced in part earlier in this section.

[2] Reproduced in part in section IX B 1.

missions abroad knew about the horrifying results of this conference?

A. No, I don't.

* * * * * * *

Q. How many letters did you receive from Catholic or Protestant churchmen saying that the killing of the Jews in the East was not in the German national interest?

A. I can't remember having received such letters.

Q. Don't you remember that the Bishop of Wuerttemberg, Dr. Wurm, repeatedly wrote you such letters that it was a scandal for Germany and that all one was doing was to put grist into the mill of war agitator Roosevelt if it didn't stop?

A. I know that I got letters from Wurm which I deliberately did not pass on in order to save him from criminal proceedings before the People's Court which the Ministry of Justice were already preparing. As for the actual detailed contents of his complaints, I can only comment on those if you submit them to me.

Q. If you had passed on his letters of July and November 1943 might not you perhaps have achieved a change in the policy of murder or not?

A. I am not aware of the fact that I was able to tell that such a policy of murder existed from the letters.

Q. Very well. Do you remember in how many individual cases you received letters from private persons to the effect that Jews were killed in the East?

A. I received complaints of the kind and I investigated them as far as I could. But persons who gave me such information were never able to stand up for their facts. They were never eye witnesses. They could never give any eye witness. And in the last instance the information was always based on listening to foreign broadcasts which, of course, they did not want to admit because of course that was punishable.

* * * * * * *

Q. * * * I now come to my last questions. What steps did you take when, in February 1944, Gauleiter Frauenfeld sent you a memorandum about the administration in the occupied eastern territories explaining among other things, and this was in February of 1944, that the use of brutal and terroristic measures was very detrimental to German prestige.

A. I don't know this memorandum, nor can I remember the man Frauenfeld himself. I believe he was an Austrian, wasn't he?

Q. Yes.

A. If such a memorandum was received no doubt I would have submitted it to the Fuehrer. I am sure I must have done that. If you have it, please show me.

Q. It must have told you that people were being killed, didn't it?

A. I don't know unless you show it to me.

Q. You don't remember?

A. No, I can't remember the actual case, especially not that it indicated the killing of Jews.

Q. Do you remember talk of killing in general and brutal methods?

A. No, even though no names are mentioned.

Q. Do you remember that on 25 February 1943 Hitler stated publicly that the war would result in the extermination of the Jews [Ausrottung des Judentums] of Europe?

A. The word extermination is one the Fuehrer used a lot in various speeches. The question is how he meant it.

Q. Very well. You said on direct examination that you were not exactly a philo-Semite. Did you share the views of Hitler, Goebbels, and Streicher that the German life and death struggle into which Germany had been forced by the plutocratic Bolshevik powers was led by world Jewry or don't you go as far as this in your own views?

A. This question is one with which I dealt frequently in my reading at the time, but I was never able to come to any final conclusion. I do, however, realize that the Jews bear considerable part of the guilt in all the wars of the world.

Q. And the world Jews also forced this last war on the Third Reich, is that what you think?

A. Well, I wouldn't maintain that.

Q. If that was not your view, why did you, in the Prague Periodical for Justice, Administration and Economy, yourself write that in the life and death struggle against the plutocratic Bolshevik power standing under the domination of world Jewry this or that happened? You yourself wrote it. I would like to show it to you—that the life and death struggle was being carried on against Germany under the leadership of world Jewry.

DR. KEMPNER: May I offer Document NG–1633 as Prosecution Exhibit 3905 for identification, an article by Dr. Lammers in "The Prague Archives of Law, Administration, and Economics" of March 1944. On page 108 of the original appears Mr. Lam-

mers' statement that this war is led against Germany by the forces of world Jewry.*

JUDGE POWERS, Presiding: The document that you have described will be marked for identification as Exhibit 3905.

DR. KEMPNER: Do you remember, Dr. Lammers, that Hitler, in your presence, stated before the war in 1939 if international financial Jewry, in and outside Europe, succeeded in plunging the peoples of the world once again into a world war, then the result will be the destruction of the Jewish race in Europe. Did he ever say anything like that in your presence?

DEFENDANT LAMMERS: I have now subsequently found out that what you are quoting was once said in a Reichstag speech. That is correct.

Q. Did you happen to be there?

A. Probably I was but it didn't stick in my mind.

Q. Then I ask you, were you sitting next to Hitler when he said that, and do you recognize your picture next to Hitler? I am going to show now a picture of Mr. Hitler and Mr. Lammers in the Voelkischer Beobachter.

A. Yes. I was normally always present at Reichstag meetings.

Q. Is that your picture, Dr. Lammers?

A. Yes. That is me.

Q. And do you find the defendants Schwerin von Krosigk, Woermann, and Koerner in the vicinity? Do you recognize them too?

A. Well, of course, I only sat next to the Fuehrer and the Fuehrer's adjutants because I had to take notes. Then I see Mr. Hess, Mr. Ribbentrop, Mr. Frick on the Ministers' bench. Then there is someone I can't recognize; then Funk and Schacht.

Q. Do you see Schwerin von Krosigk right over on the left hand side and Mr. Koerner on the right?

A. Yes, I see Krosigk on the left.

Q. And Koerner on the right? And Mr. Woermann?

A. No, I don't find Mr. Koerner. I don't find him.

Q. All right. Leave Mr. Koerner. And I come to my final question.

A. I can't find Mr. Koerner.

Q. Very well.

* This article was entitled "Meaning and Success [Sinn und Bewaehrung] of the Constitutional Form of the Protectorate of Bohemia and Moravia." The pertinent sentences referred to here are the following: "Thus, only a few months after the establishment of the Protectorate, the mighty European struggle of destiny began. On this hinged the free existence of all continental European people, in short, the entire European civilization. The first product of a constructive and organic structure on the European continent had hardly begun when it already faced its most severe and most decisive test. In the life and death struggle against the plutocratic Bolshevik powers led by world Jewry, this test has lasted almost 5 years."

953402—52——28

DR. KEMPNER: We offer Document 2360–PS, extracts from a speech of Mr. Hitler about the elimination of Jewry, taken together with the picture of defendant Lammers and other defendants from the Voelkischer Beobachter, Berlin edition of 31 January 1939, as Prosecution Exhibit 3906,[1] for identification.

JUDGE POWERS, Presiding: It will be so marked for purposes of identification.

DR. KEMPNER: Now I come to my last question, Dr. Lammers. Now that we have gone through some details in the murder plans in the East; now that certain names have been brought to your attention: Bishop Wurm; Seidenglanz; Hitler's own words; and your own article about world Jewry which was leading the war against Germany; and now that I have tried to refresh your memory, do you now remember that you knew about the killings prior to 1945? Is it beginning to dawn on you now?

DEFENDANT LAMMERS: I can only stick to what I said. I did not know of any mass killings and, of the cases I heard about, the reports were allegations, rumors, and probably like the ones under the pseudonym Seidenglanz. The fact that individual cases occurred here and there, the shooting of Jews in wartime in some towns or other, that I read something about that and heard something about that, that is very easily possible. I wouldn't say no or deny it.

Q. And you mean to say that what the Fuehrer said, the plan and all this, that you didn't take this seriously either? That it was just an ignominious character making stupid remarks?

A. I did not interpret that to be the mass extermination of Jews.

DR. KEMPNER: Very well. The prosecution has no further questions.

EXTRACTS FROM THE TESTIMONY OF DEFENDANT VON WEIZSAECKER[2]

DIRECT EXAMINATION

* * * * * * *

DR. BECKER (counsel for defendant von Weizsaecker): How is it possible, Witness, that a personality of your standing is brought into connection, by the prosecution, with operations and drives

[1] Reproduced above in this section.

[2] Complete testimony is recorded in mimeographed transcript, 7–11, 14–18, and 21 June 1948; pages 7593–7609, 7691–7793, 7826–7928, 8014–8098, 8274–8365, 8506–8514, 8544–8611, 8621–8722, 8799–8848, 8880–8900, 8994–9080, 9155–9254, and 9421–9448. Further extracts from the testimony of defendant von Weizsaecker are reproduced in sections VI D, VI E, and VI F, Volume XII.

against Jews? Did the Foreign Office have jurisdiction pertaining to Jewish questions?

DEFENDANT WEIZSAECKER: First of all, in answer to this question, let me outline one thing clearly. The ordering, as well as the actual enforcement of anti-Jewish measures took place outside of the sphere of the Foreign Office. The Foreign Office took no part in the initiation nor in the measures themselves.

Q. How was it possible, then, that a number of documents on the subject of anti-Jewish measures were found in the files of the Foreign Office?

A. Of course, you might say that any question may be given an aspect of foreign policy, and it is for this aspect of foreign policy that the Foreign Office obtained jurisdiction and responsibility. I am referring primarily to jurisdiction. Thus, the Foreign Office had jurisdiction in the Jewish question for any possible diplomatic results and incidents arising from Jewish measures. And these results might be the following: On the one hand, it might be possible that foreign countries might complain and object to these German anti-Jewish measures; or, on the other hand, it might be that these anti-Jewish measures of the Security Service in Germany might now come to be enforced in other countries too, that is to say, in countries where we were still represented by chiefs of missions.

Q. What does it mean if a planned anti-Jewish measure came to the knowledge of the Foreign Office and it expressed its approval, or rather it expressed the fact that there were no misgivings against such anti-Jewish measures?

A. First of all, this signifies no attitude or comment at all to the fact of whether such measures were to go into effect or not because the Foreign Office was not obliged to hold any attitude or pass any comment on these questions, by reason of the fact, as I said before, that the initiation, and the implementation, and enforcement of these measures lay in the hands of other people.

Q. Mr. von Weizsaecker, will you please permit me to interrupt for a minute? Maybe you will be good enough to be more specific in regard to your last question. I am not quite sure whether your thought was quite clearly expressed.

A. What I wanted to say was that if the Foreign Office stated that there were no misgivings, then this first of all did not signify any comment or attitude taken in regard to the question as to whether the measures were to go into effect or not because the Foreign Office was not able to comment on such questions since the initiation as well as the implementation, and enforcement of the measures involved lay in the hands of other agencies. I trust that this is clear enough?

Q. Yes, I think that is clear enough. Please be good enough to continue your answer.

A. The statement issued by the Foreign Office was actually no real expression of official attitude taken. It was not an approval in favor of nor an expression of favoring the measure. All it signified, and all it could signify, was that within the sphere of jurisdiction of the Foreign Office, no results were to be anticipated or that the Reich Policy as it existed in reality presumably would be ready to accept certain diplomatic results that might arise. Hitler being the very initiator of the anti-Jewish measures, he and his collaborators—that is, like Himmler and Heydrich—diplomatic results for these people didn't mean a thing, of course.

Q. Do I understand you right? Is it right to say that the jurisdiction of the Foreign Office always referred to the diplomatic results, that is, the results of such measures, in the sphere of foreign policy, and that the Foreign Office held no jurisdiction of its own to order or enforce any anti-Jewish measures?

A. It held no such jurisdiction. It becomes clear to you if you recall to your minds the sphere of duties of the Foreign Office or of diplomacy.

Q. Then do I understand you correctly to say that even the approval of the Foreign Office referred only to the diplomatic results?

A. Yes, of course. There is no agency that can pass any decisions or issue any directives outside the sphere of its own jurisdiction.

* * * * * * *

Q. Now in the Reich Diplomatic Service in Hitler's time, how do you apply this to the Jewish question and the treatment of the Jews?

A. I think I have already made this amply clear. As far as I was concerned, it was always a higher aim and interest which was of decisive importance; that is, to work within the office in favor of peace and in order to overthrow Hitler's regime, because without peace and without the overthrow of the Hitler Regime, the Jews could not be saved anyway.

* * * * * * *

Q. What was your personal attitude to the persecution of the Jews, which national socialism carried out on an increasing scale?

A. I am inclined to believe that by various aids rendered by me my attitude concerning that question has been demonstrated in a manner which does not make it necessary for me to describe it to you here once again. Hitler's persecution of the Jews was

considered by me from its very inception to be a violation of all the rules and laws of Christianity.

Q. In connection with this matter, may I point out to Your Honors, Weizsaecker Defense Exhibits 300 to 326, contained in defense document book 6.*

The jurisdiction of the Foreign Office has been adequately described by you as well as your own dislike and hate of anti-Jewish measures. In such a situation is there not, beyond the jurisdiction of the Ministry concerned, another way to put into effect what you considered right? Do you believe that Ribbentrop and Luther were so careful in adhering to jurisdiction if things happened that didn't suit them?

A. It is a matter of course that in addition to ministerial jurisdiction there is also a jurisdiction along general humanitarian lines. There, there is no principle of "Federfuehrung," or limitations of any kind, and you may be sure that if I would have had just one reliable person within the circle of the exclusively competent and almighty Jew persecutor, Heydrich, if I had known of one of the influence, the jurisdiction of the Foreign Office would have been most uninteresting and indifferent to me. It is a matter of course that I would have chosen any way to help the Jews.

Q. Therefore, you didn't have such people available?

A. I not only had no such people available, but I had these opponents in my own camp, and what front would you establish if you had the opponent in your own camp who is supported by the higher authorities.

Q. Now, why didn't you utilize sentiments abroad in order to warn currently and constantly of the dangerous repercussions of anti-Jewish measures? That would have been within your sphere of jurisdiction.

A. It was well-known—everybody knew it—that the Jewish question was a sore point as far as Hitler was concerned. To speak of interventions and admonitions and requests submitted from abroad, requests for moderation of the course taken—the results of these, almost in all cases, caused the measures to be made more aggravating, and more serious even, in effect. And I know that the two institutions—the most prominent humanitarian institutions of the world, if I may so call them, that is, the Roman Curia and the International Committee of the Red

* Weizsaecker document book 6 is entitled "Help to the Persecuted." It contained over 20 affidavits and declarations and several contemporaneous documents concerning defendant von Weizsaecker's attitude and conduct concerning the treatment of Jews and related matters. One of the contemporaneous documents in this document book, Weizsaecker Document 406, Weizsaecker Defense Exhibit 290, a letter from von Weizsaecker to Luther dated 16 September 1942. Two of the affidavits, Weizsaecker Document 95, Exhibit 292 and Weizsaecker Document 19, Defense Exhibit 293, are reproduced above in this section.

Cross, for that very reason waived general protest to be raised against the anti-Jewish measures. It is a matter of course, and everybody knows it, that these two agencies of world significance and reputation and world-wide influence would have undertaken any possible step that they considered feasible and useful to help the Jews.

Q. But I would like to have your answer on one point. It was quite clear that any measures also directed against German Jews would seriously detriment Germany's reputation abroad. Surely that was bound to have detrimental effects and repercussions on German foreign policy, and thus this would come within the jurisdiction of the Foreign Office. Why didn't you, by way of report, bring up the question of these voices that arose abroad? I don't mean by expressing admonitions of your own but simply by reproducing the repercussions that took place abroad.

A. Of course this would have been the most obvious argumentation to be undertaken by the Foreign Office against the injustice that was being done but, as I already told you before, it was Hitler's firm determination that this very basic and principal question of the Jewish problem be carried out and the responsibilities accepted in all their consequences. I myself, as Minister in Switzerland, and from Switzerland, very often reported in these matters, of course with no effect whatever. To make any references to the reactions abroad proved to be futile and of no sense whatever. Such references didn't help persecutees at all, not in the slightest degree and, after all, we were involved with the fate of the persecutees, not any fruitless demonstration or manifestation on my part.

Q. Therefore you say that this principal question and the effects were decided in advance, were predetermined. Was it at least within the jurisdiction of the Foreign Office to speak in favor of extending the anti-Jewish measures to individual foreign states or to speak in disfavor of carrying out any such measures abroad?

A. Yes. Basically you are right in what you say but here, too, the basic clarification, the fundamental clarification, was always taken from us in advance, this clarification in regard to the individual states. It was carried on directly by our headquarters. Most of the time what happened was that the respective chiefs of states, or minister presidents, or whatever it may have been, were approached by Hitler himself. He spoke with them himself; and such discussions took place between Hitler and the French Minister President, with the Rumanian Chief of State. And similar direct negotiations were carried on by our headquarters with Croatian statesmen, with Slovak statesmen. In

February 1943 Ribbentrop negotiated with Mussolini on this subject. The fact that Hitler exercised influence on the Hungarian Chief of State, Horthy,[1] has already been stated here before, but I would like to emphasize most emphatically that the injustice which was now to be inflicted on foreign Jews, too, of course, did not turn into justice by the fact that the respective foreign governments happened to sanction the measure. But as far as any foreign political misgivings are concerned—and this is the important thing as far as the Foreign Office is concerned—the Foreign Office in Berlin only had a certain margin of activity in such cases where these individual states themselves expressed misgivings against the measures. But if these foreign governments did not object but unfortunately, as was very often the case, at least in the majority of instances, if they willingly approved, then we in the Foreign Office were deprived of our weapons and all our arguments were undermined and invalidated by action taken abroad.

Q. Now, did you undertake nothing at all in order to utilize the competency that you held for diplomatic repercussions in order to bring about a more lenient attitude in connection with these measures?

A. Oh yes, I did as far as it was possible within limitations of possibility and in those limitations we of the Foreign Office tried by the most various means to bring about a greater leniency in the carrying out of the measures, and we were successful in part. This is proved by a number of documents which the prosecution themselves introduced.

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Q. I want to proceed to Document NG–4667, Prosecution Exhibit 1449.[2] How do you evaluate the notes on the report of Mr. Luther about the interstate agreements on the Jewish question, that Luther had submitted through you to Ribbentrop?

A. This note bears the bragging character of Mr. Luther. I had to pass it on—I could not squash it because it was written on a suggestion of the Bulgarian Foreign Minister. But I sent this note to our legal department, and that is why my initials are on the face of it. This report then went to Ribbentrop with the additions of the legal department that were to impede this matter. I wanted to bring some legal obstacles into this and this was done but it was the only useful thing I could cause to be undertaken in this connection. Further correspondence about this matter was then again dragged on by me over a period of 6 months.

[1] Miklos von Horthy, formerly the Regent [Reichsverweser] of Hungary, testified as a prosecution witness. His testimony is recorded in the mimeographed transcript, 4 March 1948, pages 2702–2750.

[2] Reproduced above in this section.

JUDGE MAGUIRE, Presiding: Counsel, I did not get the number of that exhibit.

DR. BECKER: This exhibit that I first asked the witness about was Prosecution Exhibit 1449, in book 59. The impeding additions of the Legal Division about which Mr. Weizsaecker spoke is Document NG–4669, Prosecution Exhibit 1451.[1] The further delaying of this correspondence can be seen from Document NG–2586–B, Prosecution Exhibit 1445.[2] All of these exhibits are in book 59. Is Document NG–2586, Prosecution Exhibit 1544,[3] in which the Foreign Office makes certain suggestions that English and American Jews be exempted—is that also such a preliminary attempt at mitigation?

DEFENDANT WEIZSAECKER: Yes. This is also such a mitigating attempt, an express attempt of this nature. Our legal department made the suggestion in giving preferential treatment to British and American Jews and also to those Jews who had some connection of origin to these countries. There were exceptions made for Turkish and English Jews; in the case of Finnish and Italian Jews certain delays could be brought about. And in agreement with foreign consulates, trustees were appointed for the property of these Jews.

JUDGE CHRISTIANSON, Presiding: What was the exhibit number there?

DR. BECKER: That was Prosecution Exhibit 1554.

JUDGE CHRISTIANSON, Presiding: Thank you.

DR. BECKER: Unfortunately I have to jump back and forth between the document books because I want to keep the factual connection.

Couldn't you prevent these measures altogether, these measures here?

DEFENDANT WEIZSAECKER: No, unfortunately I could not. It was impossible because these measures in themselves were outside the scope of our competence and influence. The executor and the motivating factor of these measures and the prime mover, was a member of the RSHA whose name is Eichmann.[4]

Q. Did you know this Eichmann?

A. I don't remember ever having spoken to him.

Q. Were you not clearly opposed by Mr. Ribbentrop in your policy of granting exemptions in these cases?

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[1] Id.

[2] Id.

[3] Id.

[4] Adolf Eichmann was chief of the subdivision "Jewish Matters" in Amt IV (Gestapo) of the Reich Security Main Office.

A. Certainly, yes. There was one affair where it was proved that Mr. von Ribbentrop took exception to the measures of exemption for American Jews.

Q. Would you again clarify what you just said?

A. I wanted to say that I was opposed to Mr. Ribbentrop for instance in the case in which Mr. Ribbentrop had taken exception to granting preferential treatment to Americans.

Q. Mr. Weizsaecker refers to Document NG–4893, Prosecution Exhibit 1688,[1] to part H of this exhibit, in book 60–B. Is it correct that in view of the close collaboration of Luther with Ribbentrop you only had bureaucratic means at your disposal to mitigate these measures?

A. Yes. That is correct. Sometimes there were only small ways and means with the aid of which one could impede such suggestions made by Luther's department. I sent such documents to other departments of the Foreign Office; I sent such suggestions either to the political or to the trade or legal departments for their opinion so that I could at least gain a certain delay and possibly also an accumulation of reasonable arguments. In this manner I tried, for instance, to delay the evacuation of Jews of Slovak or Croatian origin from Germany.

* * * * * * *

Q. * * * Were you kept currently informed about what was happening to the Jews and what extent the extermination [Vernichtung] had assumed?

A. From the very beginning I considered many atrocious actions possible, but my imagination did not suffice to picture what I actually learned after collapse.

Q. Didn't you know of the plan of the so-called Final Solution [Endloesung], I mean the plan regarding the final extermination of all the Jews who were reported to the East?

A. This plan was completely unknown to me.

Q. But Mr. Luther had informed you about it?

A. It is true that Mr. Luther asserts that he did so, and if I may quote another exhibit, this is to be found in Document NG–2586–J, Prosecution Exhibit 1455,[2] in book 59. Mr. Luther writes to von Ribbentrop in this exhibit 7 months after the ominous meeting in Wannsee which is the subject matter of this document. He writes the following: "State Secretary von Weizsaecker has been informed about the meeting." The prosecution turns this into, I am now quoting from the indictment, "Luther reported the results of the conference to his State Secretary," the defendant Weizsaecker, "immediately after the conference." Mr.

[1] Reproduced above in this section.
[2] Id.

Luther already is not saying the truth and that is not the only time that that happened to him. If he writes 7 months afterward that I had been informed about the conference, then he does not say when I was informed, by whom I was informed, and how I was informed. Perhaps he did impart to me the information at some time that a conference had taken place at which the Jewish question was discussed. About the so-called plan of the "Final Solution," however, he certainly did not inform me. The document which the prosecution has submitted as the so-called Wannsee transcript, I certainly did not know when it was shown to me here in Nuernberg.

Q. Then it is correct that Document NG–2586–G, Prosecution Exhibit 1452[1] and Document NG–2586–H, Prosecution Exhibit 1453[2] in book 59 were unknown to you—and also Rademacher's transcript of the conference dated 7 March 1942, which was submitted as the final part of Document NG–2586–I, Prosecution Exhibit 1454,[3] in book 59?

A. Yes. That is correct.

Q. But the paragraph about the question of persons of partly Jewish origin in Prosecution Exhibit 1454, that's the first part of that exhibit, was submitted to you by Rademacher, wasn't it?

A. That is correct. Luther submitted to me the paragraph about the Jews of mixed origins at the middle of June 1942 with the remark that from a foreign political point of view no comment was required.

Q. Did you also have no comment or no remark to make from a foreign political point of view?

A. On the contrary, I had to comment on this matter. There is an opinion of mine expressed about this matter of persons of mixed origin from September 1942. I sent a written note to Mr. Luther at the time via the political and legal departments. In this note I stated what my fundamental attitude was. I stated that from a foreign political point of view the more lenient solution should be preferred in each case, and I said that the Foreign Office should confine itself to expressing such an opinion to the outside.

Q. This opinion expressed by Mr. von Weizsaecker is Document Weizsaecker 406, Weizsaecker Defense Exhibit 290,[4] in defense book 6. This is a note which was in the photostatic copy book of the prosecution which was shown to me after they presented their case, but which they did not submit as part of their documents, although all of these photostatic copies were bound

[1] Id.
[2] Reproduced in part above in this section.
[3] Id.
[4] Reproduced above in this section.

together in one volume, and therefore we took out this one photostatic copy from this number of photostatic copies and I have therefore now submitted it as a defense document. Is it correct that this note that you mentioned contains the only opinion that you expressed in this entire affair?

A. That is correct.

Q. Witness, I have mentioned, and I repeatedly mentioned, Luther and the Department Germany [Abteilung Deutschland]. What was the task of this person and the task of this department in connection with the Jewish question?

A. I have to explain something in connection with this department. What was later called Department Luther or Department Germany, was originally a rather insignificant department which the Ministers of the Weimar Republic had instituted as a liaison agency to the Reichstag, and it was only under the chairmanship of this Mr. Luther that this department became a large department, a completely alien body within the Foreign Office. At the behest of Ribbentrop and with his aid, this department tried to gain the control of the remaining departments. They created their own subdepartments for affairs that were not at all parts of the responsibility of the Foreign Office, such as racial policy, Jewish affairs, police matters, and such like. They also maintained relations with the Party, with the SS, with the RSHA, with the Labor Front, and with Gauleiter Sauckel, and in the course of time Ribbentrop delegated to this department, during the war, all sorts of questions that were to secure their influence. For instance, one important means of control was the handling of exit permits to foreign countries. In other words, this department became a machinery or an agency that could intervene everywhere. They had numerous disputes of jurisdiction to settle that Ribbentrop caused, and Ribbentrop delegated to this department those affairs in which he feared my resistance or the resistance of the Foreign Office and where he wanted to get the better of me. For instance, relations with so-called reform movements abroad. I believe these were the essential functions that this department got for itself in the course of time.

Q. Were the offices of the Department Germany separated from the building of the Foreign Office?

A. It was separated from the Foreign Office. They had their own building in Berlin approximately 3 kilometers from the building of the Foreign Office; and they also had some other offices somewhere else which I never entered.

Q. Was Luther subordinate to you?

A. Formally. Luther was formally subordinate to me, but not in practice. He worked as if he were in a special office of Ribben-

trop, separated from the Foreign Office. This Mr. Luther telephoned Ribbentrop every day, without informing me about it of course, and was given his missions directly by Ribbentrop.

Q. Did Luther, principally, not inform you about what was happening in his department?

A. That changed according to the desires of these two gentlemen. There were times and events when and about which I was informed and at certain times I learned nothing at all. In order to find out a little of what was happening there I sent a certain Mr. von Haften, a Legation Counsellor to this Luther department. By the way, this Mr. von Haften was executed in the events subsequent to 20 July. Otherwise, there were essentially only, not merely *only* but essentially, confidants of this man [Luther] working in his department.

Q. Did the Department Germany also have foreign political tasks?

A. They concerned themselves with many problems that could have possibly become of some foreign political character. Their task proper was of a domestic political nature. They didn't work with the diplomatic methods that were customary otherwise. Ribbentrop himself did not count this Luther department as being part of the Foreign Office. He expressly testified to that in his statements before the IMT.

Q. In that connection, I refer to Ribbentrop's testimony before the IMT. That is Document Weizsaecker 409, Weizsaecker Defense Exhibit 288* in Weizsaecker defense book 6. In what manner did Luther become active in the Jewish question?

A. I'm sure that this Mr. Luther intervened in Germany and in the occupied territories in a manner which by far exceeded the competencies of the Foreign Office. That was certainly in compliance with Ribbentrop's desire for extending his influence and power and was probably also in compliance with Mr. Luther's own desires.

Q. Did Luther inform you about the undertakings in these fields?

A. I believe I stated already that that was done at random and at will. Sometimes I wasn't informed at all and in other cases I was called in only ostentatiously and deliberately, but only inadequately, incorrectly, or falsely informed. As far as I was concerned, this Luther department was part of Ribbentrop's machinery which had nothing to do with the Foreign Office proper,

* This exhibit consisted of the following extract from von Ribbentrop's testimony: "Here are the facts: There was a section in the Foreign Office which was concerned with Party matters and questions of ideology. That department undoubtedly cooperated with the competent departments of the Party. That was not the Foreign Office itself." See Trial of the Major War Criminals, op. cit., volume X, page 801.

and against which we had to endeavor to defend ourselves laboriously.

Q. As an example for direct operating of Luther with Ribbentrop, I want to cite Document NG–2586–J, Prosecution Exhibit 1455[1] in document book 59. At one time Luther informed you of that. And here again he had received directly from Ribbentrop the directive of expediting the Jewish measures. I am here referring to Document NG–1517, Prosecution Exhibit 1457[2] in book 59. And he announced that in the future such measures would be submitted to you. What does that mean?

A. This exhibit to which you have just referred proves in two respects what I have stated. First, it's characteristic for the fact that Mr. Ribbentrop did not inform that Mr. Luther would, in the future, submit to me those measures that a certain step should be undertaken, for instance, the expediting of Jewish measures somewhere, but rather he telephoned Luther and told him how he wanted it handled. In other words, Luther informs me. That is the indirect way that I have repeatedly mentioned. Then, this document proves what I have stated that it was not an old regulation but a new regulation that I was, in the future, to be called in if such Jewish measures were to be undertaken abroad, for up to that time, Mr. Luther had handled it differently as a rule. By the way, I want to say this—It is stated in the document that in the future I was to be heard in these measures; but I wouldn't know—I certainly don't believe—that from that time on any deportation projects were submitted to me, with one sole exception—one case in southern France where our troops feared a landing of the enemy on the coast. And this was after the Allies had landed in North Africa. In this case the army demanded the evacuation of that area.

Q. Did the Department Germany also, behind your back, within the scope of this general political activity, negotiate with the German diplomats abroad?

A. That happened, too. Of course they did that under Ribbentrop's protection.

Q. May I cite Document NG–3931, Prosecution Exhibit 1666,[3] as an example, which can be found in document book 60–B. The Department Germany independently suggested a conversation between the German Minister to Denmark, Renthe-Fink and the Danish Foreign Minister, Scavenius. Further examples of independent action by the Department Germany are shown in Document NG–2200, Prosecution Exhibit 1785 in book 62–B; Document NG–4942, Prosecution Exhibit 1745; Document NG–4939,

[1] Reproduced in part above in this section.
[2] Reproduced above in this section.
[3] Not reproduced herein.

Prosecution Exhibit 1746; and Document NG–4941, Prosecution Exhibit 1747, in book 63.[1] Did you see Document NG–2586–F, Prosecution Exhibit 1450,[2] in book 59, before it was submitted to you as a part of the prosecution's document?

A. I don't know anything about this. Obviously this is a machination of this Department Germany, for which they wanted a loan of the reputation of the Foreign Office. The title "Desires and Ideas of the Foreign Office about Intended Measures for the Solution of the Jewish Problem in Europe" is, of course, completely absurd.

Q. After Luther's letter of September 1942, did he at least inform you about the Jewish measures that he was undertaking?

A. That changed at will. In some cases I was informed and, in other cases, I was not informed.

Q. In that connection, I refer to Prosecution Exhibits 1778, up to and including Prosecution Exhibit 1787, in book 62–B. In some cases Mr. von Weizsaecker was occasionally informed and, in other cases, was not so informed. Why did you put up with such a state of affairs?

A. Luther's position was secured by Ribbentrop, the SD, and the Gestapo, I could not attack directly. He was a spy who was expressly put in our office. Luther's department moved outside the scope of my power competency and responsibility. For our customary morning conferences Luther sent along some young man. He himself did not appear; and this team of Ribbentrop and Luther had to be permitted to run their own course. I was as much a stranger to them as I was to the RSHA. An end of this disastrous activity could only be brought about with Hitler's overthrow, at least as long as the latter two were working together.

Q. I want to refer to a few defense exhibits to prove the independence of the Department Germany and to prove the impossibility of Mr. Weizsaecker's exerting any influence on this department. These are all exhibits in book 6, namely, Document Weizsaecker 95, Weizsaecker Defense Exhibit 292; Document Weizsaecker 19, Weizsaecker Defense Exhibit 293; Document Weizsaecker 93, Weizsaecker Defense Exhibit 294; Document Weizsaecker 16, Weizsaecker Defense Exhibit 295; Document Weizsaecker 94, Weizsaecker Defense Exhibit 296; and Document Weizsaecker 92, Weizsaecker Defense Exhibit 329.[3] You said before that you were only inadequately informed by Luther. When

[1] None of the four exhibits mentioned is reproduced herein.

[2] Reproduced above in this section.

[3] The exhibits mentioned are all affidavits. The first two, affidavits by Hans Schroeder and Franz Sonnleithner, respectively, are reproduced earlier in this section.

did you yourself learn for the first time of the existence of extermination camps [Vernichtungslager]?

A. In Rome, through the publications of the Allied Press.

Q. But you knew about the activity of the notorious Einsatzkommandos behind the Eastern Front?

For the Tribunal, I'm stating that I am here speaking about Prosecution Exhibits 1731–1741,* in book 61.

A. These reports that you mentioned, of the so-called Einsatzkommandos, and the atrocious events that are described in these documents—events which took place behind the Eastern Front of the German Army—have nothing to do at all with the treatment accorded the Jews, who were transported and evacuated to the East. In the case of these Einsatzgruppen we are concerned with actions against the indigenous Jews, against the population of the East, who were living behind the Eastern Front. The knowledge of such atrocities in that area, I received for the first time at a rather early time already through Admiral Canaris, who informed me of this orally; the Foreign Office had been completely cut out in the East by Hitler. The Foreign Office had nothing to say in the occupied territories of Russia but I considered these events so horrible that, despite my incompetency in that area, I tried to induce Ribbentrop to undertake some counteraction against this. I visited him in his headquarters in East Prussia. He did not contradict me but whether my suggestions would have any success and how he phrased them or passed them on I do not know. I could not find out. The event of which I'm speaking took place in the autumn of 1941.

Q. Apart from this step which you took with Ribbentrop, did you, again, undertake anything else in the question of the Einsatzkommandos?

A. I did not, for this question was completely outside the scope of my sphere of influence. I had, as I said, gained knowledge of this in private, through information of Admiral Canaris. Canaris himself tried to counteract this in the military field with great energy.

Q. Did you ever read those reports concerned here?

A. At the time I did not. I had already learned of these things and I had already drawn my conclusions and taken the consequences, as far as I could.

Q. Why did you try to have Jews released from evacuation measures or to have certain groups of Jews exempted from this operation, if you didn't know what would happen to these Jews in the East?

* Of these eleven exhibits, the following are reproduced in part earlier in this section: Document NO-2656, Prosecution Exhibit 1736, Document NO-2651, Prosecution Exhibit 1731; and Document NO-2657, Prosecution Exhibit 1737.

A. Because deportation and forced labor are bad enough already in themselves, and because I was, of course, concerned with counteracting these operations within my power, as far as I was able to do so at any rate.

Q. I have already turned away from the question of the Einsatzgruppen in the East and I reverted back again to the deportation to the East. Then, you already had the general conception at an earlier time that something horrible was happening to these Jews?

A. I, of course, knew of the pressure to which the Jews were exposed; but it was, nevertheless, very difficult to get a clear picture of the situation. Perhaps I have to go into this a little more. When in France I heard of the transportation of the Jews from Baden and the Palatinate to France, one had at first the feeling that these Jews might have a more lenient fate than they would receive in Germany. Then, the first reports come in about the abuses and sufferings of these Jews in camps in the Pyrenees. When we then heard of transports to the East it was first stated that they might perhaps be better off there than they were in the Pyrenees because if they were used for labor they would have to be treated at least somewhat decently. But afterwards it turned out that in the final analysis the Jews had been better off in France after all. Within the modest means of our influence, within the scope of diplomatic possibilities, we were not absolutely able to determine where the lesser evil was and where we should perhaps best intervene.

Q. In that connection, I want to refer to Prosecution Exhibits 1628 and 1629[1] in book 60–A.

Will you please continue?

A. I want to make a remark about the expression "Final Solution." Hitler and his people publicly spoke about this expression but in a very ambiguous manner. In the beginning one seemed to understand by it a sort of a forced emigration.

Q. In that connection, I want to refer to Prosecution Exhibits 1443 and 1448,[2] in book 59.

What did one later understand by this expression?

A. Later the so-called "Madagascar Zionism" was postulated. At a later time they spoke about resettling, about the over-all solution in the German sphere of influence in Europe, about a territorial final solution, which referred evidently to some settlement.

[1] Document NG–4933, Prosecution Exhibit 1628, not reproduced herein. Document NG–4934, Prosecution Exhibit 1629, reproduced earlier in this section.

[2] Document NG–2586–A, Prosecution Exhibit 1443, and Document NG–2586–E, Prosecution Exhibit 1448, are reproduced earlier in this section.

Q. In that connection, I want to refer to Prosecution Exhibit 1455,[1] in book 59.

Did you consider such plans justifiable?

A. Never. My work was aimed at preventing these plans altogether. I mentioned this in order to show that for me too the entire atrociousness of Hitler's extermination measures was revealed only at a later time, namely, during my time in the Vatican. But even if I had already known the measures at the time, I could not have done anything against them in any other way than by trying to fight against Hitler and his entire regime.

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Q. Did the name "Oswieczim," Auschwitz, mean really nothing to you at the time?

A. No. It did not, not in the least because, as everyone knows today, Auschwitz is situated in that territory that was then incorporated into Germany, namely Upper Silesia. The significance of Auschwitz became clear to me only after the collapse. For the rest, I do not know whether at that time—that is to say, at the time when these deportations were carried out with which we are here concerned—around that time, I do not know whether these atrocities were already being committed in Auschwitz. Nevertheless, I would have prevented their evacuation for labor commitment there if it had been within the scope of my influence.

Q. Did the phraseology of the RSHA confirm you in your conception that this was a matter of assignment for labor?

A. Yes. Undoubtedly, yes. They spoke repeatedly about Jews who were fit for labor.

Q. In this connection, I refer to Document NG–183, Prosecution Exhibit 1680,[2] in book 60–B.

A. I may add here that in another document submitted by the prosecution, which is a report of our representative in Holland dated November 1942, it is stated that the reports from Auschwitz sound favorable, so that the Jews themselves even had no further misgivings against Auschwitz.

Q. This remark is to be found in Document NG–2631, Prosecution Exhibit 1684,[3] in book 60–B.

Did you have any influence concerning the question of the deportation of Jews from Belgium and Holland? I refer again to Prosecution Exhibit 1680, in book 60–B. Will you please comment on this question?

A. In regard to Belgium and Holland, we had a possibility only within the scope of our competency to voice certain foreign politi-

[1] Document NG–2586–J, Prosecution Exhibit 1455, reproduced in part earlier in this section.
[2] Reproduced earlier in this section.
[3] Reproduced in part earlier in this section. In the document the word "Rauschitz" not "Auschwitz" is used.

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cal misgivings. We were not asked at all about the value or lack of value of the deportations as such. The RSHA called us in only in connection with the Jews of foreign nationalities, and our reply referred only to that. We tried to safeguard our interests within the narrow limits of our competency and of our influence, and I personally, within the small scope of my personal influence, tried to work against the "Second Foreign Office," namely, against Luther and my chief, Ribbentrop.

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Q. What do you have to say with reference to the anti-Jewish measures in Slovakia? I refer to Document NG–4409, Prosecution Exhibit 1633,[1] Document NG–4404, Prosecution Exhibit 1634,[2] and Document NG–4407, Prosecution Exhibit 1635[3] in document book 60–A.

JUDGE MAGUIRE, Presiding: Would you give me the exhibits again?

DR. BECKER: Prosecution Exhibits 1633–1635, book 60–A.

JUDGE MAGUIRE, Presiding: Thank you.

DEFENDANT WEIZSAECKER: This was started by an inquiry raised by the Reich Security Main Office to the effect that Slovakia was to be asked whether it desired to have its Jews deported and made available for labor allocation.

DR. BECKER: At this point I beg to draw Your Honors' attention to the report made by Luther, Document NG–2586–J, Prosecution Exhibit 1455[4] in book 59, Your Honor, item 6. In the English document book, it is on page 133. I beg to mention this because this exhibit is very lengthy. At this portion, the respective inquiry is mentioned, the inquiry which has just been mentioned by Mr. von Weizsaecker.

In which manner did this progress in due course?

A. The Foreign Office was compelled to pass on this inquiry, but in opposition to the desires of the Reich Security Main Office, the Foreign Office on that occasion gave the Slovak Government a chance to turn this down right from the very start, by referring to the fact that domestic-political difficulties in Slovakia were not to be paid consideration. That is to say—

Q. Pardon me, Mr. von Weizsaecker, let me interrupt you. Please be good enough to be more specific, to avoid any more misunderstandings in what you said.

[1] Memorandum from Wuester to defendant Weizsaecker, reproduced earlier in this section.

[2] Telegram of 18 April 1942 from Ambassador Ludin in Bratislava to the German Foreign Office, requesting instructions concerning proposals of Slovakian Prime Minister Tuka on the evacuation of Slovakian Jews. This exhibit is not reproduced herein.

[3] Telegrams of 26 and 30 June 1942 between Ludin and the Foreign Office concerning Slovakian Jews, reproduced earlier in this section.

[4] Reproduced in part earlier in this section.

A. We, so to speak, put into the mouth of the Slovak Government the objection they might raise, that is, in dealing with this question of the deportation of Jews with which they had been approached, no domestic internal Slovak difficulties were to be permitted to arise but as far as anti-Semitism is concerned, the Slovak Government did not lag behind our own State leadership.

Q. This involves the Slovak Government, not the Czech Government?

A. On its own initiative the Slovak Government had introduced some anti-Jewish measures which were even more rigorous than those introduced in Germany itself, with the approval of the Chief of State of the Slovaks, Monsignor Tiso.

Q. This can be seen from Document NG–4409, Prosecution Exhibit 1633,* in prosecution document book 60–A. What further turn did incidents take in Slovakia?

A. Despite the fact that we had, so to say, put into the mouth of the Slovak Government objections they might raise, nevertheless, this government carried out evacuations and then, to protect the Jews, measures were undertaken by third parties in Slovakia and against these protective measures the Slovak Ministerpraesident Tuka requested that strong diplomatic pressure be brought to bear by Berlin on Bratislava. In the place of this requested strong diplomatic pressure, he was notified in a very restrained manner that to stop such measures would come as a surprise, that is to say, would surprise Hitler.

* * * * * * *

Q. You repeatedly have spoken of deportation of Jews and you said that as far as the extermination of Jews according to plan in the camps was concerned, you were not informed. Wasn't the deportation for labor already a crime as such? You know that Control Council Law No. 10 has declared such a measure to be a crime—I mean the mere fact of deporting these people for labor?

A. Of course, it was always clear to me that these measures were most repugnant to the greatest degree possible. Already in World War I, I considered these to be the worst results of global war, and in World War II, I considered these to be so with all the more reason. Today, I still see them in the same light.

Q. Now, if you disregard the individual incidents, what attitude did you take to these atrocious incidents as a whole?

A. As far as the ethical side of these incidents is considered, it is unnecessary for me to say a word on that but I knew that the awful development and the course that was taken in the Jewish problem could be stopped by only one means—peace—

* Reproduced earlier in this section.

that is, a peace eliminating Hitler, and it was this objective that I centered on. In order to retain that sphere of activity, in order to gain that final and ultimate objective, I had to permit documents to pass my desk which in normal times I would have hesitated to touch with my own hands. You would not even touch them with a pair of pliers.

Q. You will understand that an outsider might raise the question why you continued to hold an office in which such documents even came to your perusal, even though you took no active part in the incidents reported in these documents.

A. I can very well understand that question, only too well, but this was the infernal thing of that time. In the interest of resistance* I retained my office and in remaining in office, it was not possible for me to prevent such documents passing over my desk under such a state of government—I mean documents involving deportations, labor camps, seizures, and so on. I had to accept this and bear it for the very reason that I proposed to put an end to these measures and because it could only be brought about by these means, to put an end to these measures. Very often I was compelled to disguise my own attitude to the outside world and I was also driven to put on another face than would have been mine under the situation. I think whoever has not gone through these experiences personally, whoever cannot know personally what they signify, he is perhaps incapable of understanding these things. It is necessary to have lived under a dictatorship to understand this.

Q. There is a German proverb "Whoever touches dirt is apt to become dirty himself" or in other words "Who eats with the devil needs a long spoon." Didn't you have that feeling yourself in connection with these incidents?

A. Your question is a different one. The actual question is which of the two sullies his conscience more, that person who endeavors to do away with evil, or that person who resigns into his private life and just discusses these matters in the circle of his own family, in the hope and expectation that this phantom of dictatorship, this phantom of racial persecution might perhaps disappear of its own accord, spontaneously. But the question is only the following: There was no other way. How was it possible to achieve my objective—by resigning or retaining my position? It was not a question of how it was possible for me to prevent my hands being sullied, of avoiding a stain on my waistcoat to which other people might subsequently point.

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* Concerning von Weizsaecker's connection with this subject, see the extracts from the testimony of defense witness von Schlabrendorff, reproduced earlier in this section.

Q. Now, this stain that you speak of—this is the very thing you are being charged with here, particularly in the Jewish question.

A. I don't want to be misunderstood here. I don't condemn those people who saw it to be a clearer and better and cleaner course to avoid being stained themselves but we learned under a dictatorship that whoever restrains himself may perhaps not visibly sully himself but I, in any case, saw the only chance to serve my objectives by retaining my office and the only chance of doing anything at all—unfortunately sometimes it was little enough—of doing anything at all against dictatorship. Perhaps you might be able to rephrase it as follows: In order to be more specific, I had to sit down at a desk and documents came across this desk. It was my desire to establish a chance for us, for Germany under the totalitarian regime, in order to reach a state which would make these types of documents impossible.

Q. Therefore, you did not resign from office?

A. Yes, that is true. I didn't resign from office because I desired to act, and I do not regret it. I know exactly what my basic attitude was in regard to the Jewish question. I took cognizance of many things and from one case to another, wherever it was possible, I exercised a moderating influence.

I knew the limitations and my margins were small, but in a larger scale I gave indirect help through the intermediary of church organizations, for example, the World Council of Churches in Geneva, which did a great deal and helped a great number of Jews.

Q. In connection with this, Your Honors, I would like to refer to Weizsaecker Document 317, Weizsaecker Defense Exhibit 219,* in Weizsaecker document book 4. This also is a more lengthy exhibit, and therefore, I beg to draw Your Honors' attention to item 9. And what about a protest on that situation?

A. I think I already referred to this before. Nothing could be done by direct and open manifestation. I didn't have any veto right. Usually it is only a powerful man who has a veto right at his disposal, but I avoided any futile protests because they would only have obstructed my road to achieve my aim. There wasn't any repair work to be done in the disease proper; it was the germ that had to be combatted. And for that reason the objective had to be—Hitler has to be done away with. But I do say, and I state, that I did not approve of any anti-Jewish measures, the anti-Jewish policy of Hitler. I attempted to combat against

* An affidavit of Dr. Hans Schoenfeld, not reproduced herein. Dr. Schoenfeld was director of the Study Department of the World Council of Churches in Geneva. This was one of numerous affidavits submitted in Weizsaecker document book 4, which book was entitled "Struggle at the Side of the Evangelical Church and International Charitable Organizations."

the anti-Jewish policy of Hitler in its very heart but not by demonstrative, and ostentatious, and unsuitable means, but I tried to use a fit and suitable means.

DR. BECKER: Your Honors, this concludes the anti-Jewish question with reference to the prosecution documents introduced.

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CROSS-EXAMINATION

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MRS. MINSKOFF: Mr. Weizsaecker, after you were State Secretary in the Foreign Office, and prior to the time that Luther became head of the Department Germany, it is a fact, is it not, that this Department Germany was subordinated to you?

DEFENDANT WEIZSAECKER: That's probably correct.

Q. In other words, Mr. Weizsaecker, at a time when Department Germany was subordinated to your office, it established the policy for the dispersal of the Jews and circulated the decision to other Reich agencies. Isn't that correct?

A. I must repeat—Mr. von Ribbentrop carried on this policy. It was utterly objectionable to me. Mr. von Ribbentrop has accepted personal responsibility for it.

Q. Mr. Weizsaecker, do I understand then, that it is your testimony that when you were appointed to the position of State Secretary in the Foreign Office and you accepted that position, that you did not concern yourself with policies promulgated by your own department or subdivisions thereof?

A. On the contrary, I tried with all my power to prevent abuses particularly in just such respects and to put a limit on them; but I recognized fairly early that the real resistance to Hitler's Jewish policy could only be carried out through a central act; that is, by the removal of Hitler himself.

Q. Isn't it a fact, Mr. Weizsaecker, that Department Germany was also acting as your subordinate when it instructed the diplomatic and consular representatives abroad to deprive Jews and other groups of their passports whenever it was possible?

A. I would have to have some documents on which to base an answer. I don't know it so well and I don't know when it was.

Q. So you don't remember?

A. Yes. I think something of this kind did exist but I don't remember it today.

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Q. Mr. Witness, Mr. Weizsaecker, I would now like to show you NG–5086 for which I ask the identification number 3592.*

* Reproduced in part earlier in this section.

JUDGE CHRISTIANSON, Presiding: It may be so marked for identification.

MRS. MINSKOFF: Thank you, and I ask you whether this document, and this is a Luther memorandum dealing with the question of compelling Hungary to introduce anti-Jewish measures, I ask you whether this document refreshes your recollection that Luther not only informed you of his activities but even had to use your office in order to reach the Foreign Minister? I refer your particular attention to the notation on the memorandum that it was submitted through you to Ribbentrop.

DEFENDANT WEIZSAECKER: Of course, I haven't read this document yet. I would have to study it first carefully. It is a little bit long, eight pages, but as far as the formal aspect is concerned I would like to say the following. At the end of August 1942, von Ribbentrop called up his friend Luther and ordered him that in future all steps concerning the deportation of Jews and similar matters should also be brought to the attention of State Secretary Weizsaecker. Up to that time this rule had not been enforced. After this date Luther did in part adhere to this rule and in part he didn't. That is what I have to say with regard to the formal aspect.

Q. I am concerned with the formal aspects, Mr. Weizsaecker.

A. Yes, very well.

Q. Mr. Weizsaecker, isn't it a fact that not only were you informed of Luther's actions with respect to Hungary and not only did Luther contact Ribbentrop through your office on the question of Hungarian Jews but that in addition you directly participated in exerting pressure on the Hungarian Minister to carry out the anti-Jewish measures?

A. In this dreadful and tragic Jewish question, I had to let many a thing pass through my hands upon instructions from higher agencies which were objectionable to me; I admit that. As for the specific question of exerting pressure on the Hungarian Minister, I don't remember it, but if you would like to show me some documents, we can talk about it.

Q. Mr. Weizsaecker, a few minutes ago I asked you about Document NG–5086 which has been given the identification number [Prosecution Exhibit] 3592. I wanted to find out whether it was through your office that Luther transmitted his memorandum on the Hungarian Jewish question to Ribbentrop. Now with respect to this same Document NG–5086, will you tell the Tribunal whether you merely acted as a conduit or whether you interested yourself in its content?

A. If you ask me this question, you put me under the necessity of reading this document which I have not yet read.

Q. I will be glad to have you read it.

A. I am afraid it is rather long.

Q. Have you finished yet, Mr. Weizsaecker?

A. I am sorry, I'm afraid not. (Pause.) I have read it now.

Q. As you have finished, may I repeat my question, to which you can address your answer? With respect to this document, will you please tell this Tribunal whether you merely acted as a conduit or whether you were interested yourself in the contents of this document?

A. My initial is missing on it, but obviously I passed it on to the Minister. Based on this copy, you cannot conclude whether I commented on it in any manner.

Q. Your attention was addressed to the fact that this document indicated that, as requested by Luther, you submitted this memorandum to Ribbentrop; and, I am asking you now in doing this, did you merely act as a postman or did you interest yourself in the contents of this document.

A. In principle, I only acted as postman in connection with these horrible measures. Whether I made any comment or note with respect to this concrete document can only be seen from the original and this is a copy.

Q. Mr. Weizsaecker, I would like to show you Document NG–5085, which is offered for identification as Prosecution Exhibit 3593.[1] I ask you whether this document is a memorandum which you prepared and which you signed?

A. I have read it.

Q. Now that you have seen the document, will you answer my question, which was: Is this document a memorandum which you prepared and which you signed?

A. My initials are not to be seen but it may be of my origin.[2]

Q. Thank you, Mr. Weizsaecker, does this document refresh your recollection that you took a direct hand in putting pressure on the Hungarian Minister to carry out the anti-Jewish measures in Hungary?

A. That is not correct; I did not undertake that myself personally. If you read the document you will see that it says "By order of the Reich Minister of Foreign Affairs." Furthermore, you will see that this conversation refers to a telegraphic communication number so-and-so, issued from the special train to Budapest. Therefore the situation is as follows—

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[1] Reproduced above in this section.

[2] The document introduced in evidence was a copy. Where the signature would appear on the original, the copy bears the inscription "Signed: Weizsaecker" in typewritten form. Several words are underlined on the copy and the handwritten initial "W" for the defendant Woermann appears on the distribution list after the entry "Under State Secretary, Political Division" (Herrn U.St.S. Pol).

Q. May I interrupt you a moment briefly in the statement you were making. You said this document shows that at the order of the Reich Minister you were doing this. May I point out the beginning of that sentence: "Today I received the Hungarian Minister to discuss with him"—and the sentence concludes: "the Jewish problem." I also point out that this cable referred to the previous document, Document NG–5086 [Prosecution Exhibit 3592].

A. No, that is a mistake.

Q. Are you looking at the photostat, Mr. Weizsaecker?

A. Yes.

PRESIDING JUDGE CHRISTIANSON: 6932 wasn't the cable number. That is the number of the memorandum of Luther. The cable number is 1283.*

MRS. MINSKOFF: The reference is NG–5086. I thought that Mr. Weizsaecker was referring to the statement: "I ascertained that the Minister was informed as per memorandum of the Under Secretary, number 6932." If Mr. Weizsaecker did not refer to that statement, I apologize.

PRESIDING JUDGE CHRISTIANSON: We may be a little confused here. In answer to one of your questions, he said that was incorrect; now, I don't know exactly what he said was incorrect.

MRS. MINSKOFF: I am waiting for him to elaborate, too.

DEFENDANT WEIZSAECKER: What I wanted to say is that in this memorandum, of 14 October 1942, a reference is made to a telegraphic communication; that is, cable instructions which were sent out from the special train of von Ribbentrop. From here, the telegram 1283 obviously was sent to Budapest. In order to understand my conversation as sketched here by me, one would have to have the cable communication available but, of course, the latter is by no means identical with my memorandum.

Q. Then, this document does not refresh your recollection, Mr. Weizsaecker, that you assisted in putting pressure on the Hungarian Minister to carry out anti-Jewish measures in Hungary.

A. I can't say that; I can only give information provided I have this cable in my hands.

Q. You can answer whether this document in itself refreshes your recollection and I think the tenor of your answer is that it does not; isn't that correct?

DR. BECKER: Your Honor, I object to this question. The witness gave information in detail saying that he carried on this conversation by order of the Reich Foreign Minister, as the document specifically states; I really don't understand what, in the

* The exhibit in question contains references to two numbered documents, the first to a memorandum of Luther, the second to a cable. See Document NG–5086, Prosecution Exhibit 3592, reproduced in part earlier in this section.

face of this, is meant as to whether the document refreshes his memory.

PRESIDING JUDGE CHRISTIANSON: It will do no harm to have him answer that question. I don't think it will be prejudicial to him to answer the question.

DEFENDANT WEIZSAECKER: I am afraid I can't gather from this what I actually said because I am without the necessary document, the cable number 1283; but what I did say was undoubtedly not said on my own initiative, at my own will, but much rather on basis of the instructions given me. My resistance to all these measures, as you know, was concentrated elsewhere, that is, in the central treatment of the problem, the removal of the regime itself.

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MRS. MINSKOFF: Mr. Weizsaecker, I would like to show you Document NG–5095, which is offered as a prosecution exhibit and for which I ask identification number 3599.*

JUDGE POWERS, Presiding: It will be marked for identification as [Prosecution] Exhibit 3599.

MRS. MINSKOFF: I ask you, does this refresh your recollection that when Abetz' office reported on large-scale arrests of Jews in France, that report went to and was reviewed by you?

DEFENDANT WEIZSAECKER: I would like to read it first, if you please.

Q. May I call your attention, Mr. Weizsaecker, to part A, which bears your initials. Part B of this document bears your corrections.

A. I am not through yet (pause). I have read it.

Q. Can you yet identify the initials as beings yours on part A?

A. Yes.

Q. As far as part B is concerned, can you tell the Tribunal whether you yourself wrote that report and as rewritten submitted it to Ribbentrop? I am referring to your corrections on the document.

A. Yes. This originated with me and it seems that the corrections were made. It is not my handwriting, however.

* * * * * * *

DR. KEMPNER: When, for the first time, Mr. von Weizsaecker, did you hear that the Third Reich, or the government of the Third Reich, murdered people without any reason whatsoever?

A. On 30 June 1934.

Q. And afterwards, in Switzerland, you read a number of books on this subject, didn't you?

A. Oh, yes.

* Reproduced earlier in this section.

Q. You read the "Moorsoldaten," didn't you?

A. I believe I did read it but not, perhaps, in its entirety.

Q. You were most indignant about it, weren't you? You couldn't sleep? Is that true?

A. As far as these anti-Jewish measures are concerned, I thought of them as I testified. I considered them to be in violation of all the laws of Christianity.

Q. Did you ever tell your friends of the resistance movement later on that you had countersigned such measures?

A. Everybody knows what I did. It was well known. Everybody knew in the Foreign Office what I signed or countersigned. I didn't have to tell anyone about it.

Q. Not even your friends of the resistance movement outside the Foreign Office—the generals?

A. I don't know whether we discussed this, but I countersigned or cosigned with the significance that was to be implied in my initial, as affixed to such document—that is, with limitations.

Q. If I understood you correctly—and I'll be as brief as possible in summing up—you had to take part in many unpleasant things in order to cloak your sole and main objective, that is, the elimination and overthrow of Hitler. Is that right?

A. "To take part" [Mitgemacht] is not the correct term. No that's not the right word. I didn't take part in anything; I offered total resistance; and in detail I went to the very margin and fringe of my possibilities to offer resistance. I don't call that "taking part."

Q. But you signed many things so that your main objective could be fulfilled, so that it wouldn't be divulged or become known?

A. Not that it shouldn't be divulged, but I had to fulfill my office in order to offer the resistance that I desired.

Q. Were there many officials or employees in the Foreign Office who knew of these mental reservations that you entertained?

A. I notified very few people of it but there were several who had an idea about it, and there were some of them perhaps who didn't understand it at all. I did run that risk; that's true.

Q. Don't you feel responsible for those officials who set at peace because of the example that you set them and due to your reputation, were willing to go in for these things themselves?

A. What things?

Q. Signing [Unterzeichnungen] of anti-Jewish measures.

MR. MAGEE: Your Honors, that's an issue for the Tribunal to decide, as to who is legally responsible for the action of all the parties involved within the Foreign Office. Is counsel asking the witness for a legal opinion on the responsibility for these people who were in the Foreign Office, because of what he signed?

I think that's a little farfetched. I think that's going to be a matter that the Tribunal will have to decide.

JUDGE POWERS, Presiding: Well, cross-examination frequently does. I think it's proper.

DR. KEMPNER: Do you feel responsible for those people who didn't know it?

DEFENDANT WEIZSAECKER: I beg your pardon?

Q. Do you feel responsible for those people who are not charged or indicted here? Do you feel responsible for those people who didn't know that you had mental reservations in your mind against the measures?

A. I feel the responsibility for the fact that there were some people who did deduce from my example that there was a sense in retaining office, people who gave me their confidence, who gave me that confidence which, thank goodness, I believed I was enjoying to a great degree. And they may have been induced by these motives to follow mine. In that sense, yes, I do feel responsible for their having continued in office.

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Q. Mr. von Weizsaecker, with reference to the last question there is a misunderstanding between us. That is why I would like to come back to it once again. Certain things which looked bad were carried on and signed in order to cover your actual aim. That is right, you said that, didn't you?

A. I would put it like this. I had to put up with whatever a State Secretary had to do in this position and to keep within the framework that was prescribed from outside. Within the framework I tried to mitigate these bad things from case to case, but my main resistance I carried on in another way.

Q. My question is, do you feel responsible for those officials who did not know your aim but who just signed?

A. So far as the officials followed my guiding principles I feel responsible for their actions.

Q. Since during the last years your signatures which appeared on a series of documents have been brought to your notice again, aren't you deeply shaken to find your signatures under such documents?

A. I would far prefer if I did not need to see my signature under such documents but I know why I did it. I followed the dictates of my conscience. Of course, such documents can also be torn out of their context and so be misunderstood.

Q. Did you never state that you were deeply shaken?

A. I didn't need to say that. That is a matter of course in my case.

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EXTRACTS FROM THE TESTIMONY OF DEFENDANT BERGER[1]

DIRECT EXAMINATION

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DR. FROESCHMANN (counsel for defendant Berger): Witness, did you take any active part in patriotic duties? Will you please kindly interpolate a pause before answering, to permit the interpretation to come through. In what manner did you participate?

DEFENDANT BERGER: After the revolution of 1918 and the subsequent economic depression and collapse, I belonged to that circle of people who joined at that time with the objective of counteracting against communism, already threatening then. I was the founder of the Self Defense Unit [Einwohnerwehr] of Wuerttemberg-Nord, and in that capacity the Wuerttemberg Land government gave me assignments in 1919 and 1920; in 1919 for defense to counteract a general strike under Communist leadership; and in 1920 to protect it during the Kapp Putsch when the Wuerttemberg government fled to the Stuttgart railroad station. After the first defense units were dissolved, we transformed these into rifle associations [Schuetzenvereine]; they bore the name "Kleinkaliber Sportverband" and "Schwabenbanner" and played a certain part. In the time from September 1923 to November 1923 I had joined this movement and was a leader of the Battalion Ulmland and was assigned for that job. On 9 November[2] I was supposed to be arrested but due to the intervention of the police and primarily due to the intervention of the government, I was not arrested. From 1924 to 1929 I was a member and coworker of the training staff of the Wehrmacht.

Q. What was your political activity in the subsequent time?

A. Let me sum that up in chronological order briefly as follows: On 1 January 1931, at the explicit request of the Thuebingen SA —it would be better to say the Thuebingen Student Association— I joined the SA and I took over the Sturmbann 10 in Thuebingen. I will give you the reason for that later. I remained with the SA and in 1931 I was made SA colonel [Standartenfuehrer]; in 1932 SA senior colonel [Oberfuehrer]; and in 1932, after the SA had been prohibited, I took over the leadership of the SA subdivision Wuerttemberg. In view of the fact that the term of Ehrenfuehrer [honorary leader] has so often been mentioned here, I was an ehrenamtlicher Fuehrer—that is to say, in addition to my actual work, in my profession that is, in addition to being a civil servant —in my spare time I was in charge of the SA and issued the

[1] Further extracts from the testimony of defendant Berger are reproduced above in section VII C (The Mesny Murder) and below in sections IX C and XI C (Slave Labor).

[2] Reference is to the events of 9 November 1923, the day of Hitler's Munich "Putsch."

necessary orders and official regulations which such an association needs for its proper conduct. I can state in this connection that in my area, and also when I later became Fuehrer of the Subdivision Wuerttemberg, from that day on, all violent clashes ceased. On 10 April 1933 I left the SA—it would be better for me to say that I was "furloughed"—I will give you the reasons for that later on, and on 30 January 1936 I joined the SS as Ehrenfuehrer. I remained there up to the end of the war. In 1943 I was made SS lieutenant general [Obergruppenfuehrer].

Q. Just let me interpolate one question here, Witness. Were you a member of the Allgemeine SS, [General SS]?

A. Yes. Up to now I have been speaking of being a member of the Allgemeine SS.

Q. Please continue.

A. On 1 September, it will be better for me to say that effective as of 1 September, I left my reserve status with the Wehrmacht and was transferred into the Waffen SS [Armed SS]. Therefore, from 1 September 1939 on, up to the end of the war, I belonged to the Waffen SS, since 1943 as commanding general.

Q. What decorations were bestowed upon you?

A. The War Merit Cross, the Clasp for the Iron Cross First Class and the Iron Cross Second Class, The Knights Cross of the Iron Cross, and in connection with combat near Berlin, the German Cross in Silver; later on, also the German Cross in Gold. The Golden Party Emblem was bestowed on me on 30 January 1943.

Q. What happened in 1938?

A. In 1938 I was Senior Government Counsellor [Oberreigierungsrat] of Division A I–2, in the Reich Ministry of Education, and for a period of 15 months I was assigned to the Reich Leadership SS [Reichsfuehrung SS], for the organization and reorganization of sports activities. I was made available by the Reich Ministry of Education for that purpose. In addition to this duty, I received the order from Himmler to organize the Recruitment and Replacement Office of the General SS. Due to the outbreak of war I remained with the Reich Leadership SS. On 1 October 1939 I became Chief of the Recruitment Office of the Waffen SS and when the reorganization took place, that is, the reorganization of the entire Reich Leadership, as of 1 April 1940, I became chief of the then existing remainder of the old SS Main Office and I remained in that capacity up to the end of the war, apart from my front combat assignments. In 1942 I was given the Mail Security Service [Postschutz] of the German Reichspost. Both in the indictment as well as in the index, this Mail Security Service has been designated to be "Mail Supervision"—Postueber-

wachung is the German—but this Mail Security Service had nothing to do with supervision or control but it was a kind of post guard. In that capacity I was subordinated to the Reich Post Minister, Ohnesorge, directly and personally. As Chief of this Mail Security Service in the course of the war, we used to have six front units [Frontstaffeln], that is to say, six large transport columns which were assigned to the front, to help with the transport of wounded soldiers. In 1943 I was also temporarily in the East Ministry in addition to my full time job, that is, the Main Office SS. During the time of the military revolt in Czechoslovakia, from the night of 31 August–1 September 1944, up to 19 September 1944, I was the German commander in Slovakia. As far as the date is concerned there seems to be some doubt but I refer to Document NO–2282, Prosecution Exhibit 1107[1], document book 44, page 26 of the German version. On 1 October 1944, at the order of Hitler, I took over a part of the prisoner-of-war affairs and I was in charge of that up to the end of the war. In the same manner at the time I was assigned the training and establishing of the Volkssturm in coordination with the Party Chancellery.

Q. Witness, I now ask you to take document book 44. In this document book the prosecution has introduced a number of documents which obviously intend to present you as a very prominent SS leader. I would very much like to refer briefly to these documents. You have already spoken of the decorations bestowed upon you. These decorations are listed in the documents and please be good enough to look at Document NO–2287–C, Prosecution Exhibit 1097, Document NO–2287–B, Prosecution Exhibit 1106; and Document NO–2282, Prosecution Exhibit 1107,[2] on pages 14, 25, and 26 of the German document book. I now ask you, Witness, is it right that the decorations listed in these documents were actually received by you?

A. That undoubtedly is correct. Actually, after many years, I have to discover that my personnel office was negligent in its duty. First of all, not all the orders and decorations I received are listed and second, the dates of bestowal are absolutely wrong. Nevertheless I still don't believe that I received as many decorations and merits as my colleagues did in the East and in the West and I served some years. I was wounded seven times and I was bombed out twice in Berlin. What I want to say is that all merits and decorations, quite apart from a few smaller trifles, are considered by me to be a recognition for the fact that throughout all my life I was fully devoted heart and soul to my Fatherland.

[1] A memorandum from the files of the SS, dated 19 September 1944, reproduced earlier in this section.

[2] Each of the documents listed is reproduced in whole or in part earlier in this section.

Q. Witness, now please be good enough to refer to the same document book, Document NO–2284, Prosecution Exhibit 1105,[1] page 23, according to which you were a member of the Reichstag, is that right?

A. Yes. That too is right, at the end. First of all I was supposed to be a deputy member. Not because I endeavored to obtain that function. When Pohl left office I was assigned to the job but with the best will in the world I can't say whether it was in the summer or fall of 1943 or perhaps even 1944. In any case my adjutant cashier office was greatly pleased over this because the finances and funds [Reichstagsgelder] were placed into the welfare fund of the adjutant cashier [Adjutanturkasse]. As far as sessions or conferences of any kind are concerned, any assemblies of any type of the Reichstag or any one or several members, I didn't attend any.

Q. Witness, please be good enough to refer to Document NO–2287–A, Prosecution Exhibit 1098,[2] in the same document book which is document book 44, page 14 of the German, where it says that your services for recruitment and for the ideological training of the SS and Police, in view of all that, you were awarded the German Cross in Silver, is that right?

A. Yes, there is no doubt that Himmler wrote to that effect. As far as Himmler was concerned, SS and Police were one and the same concept. That was the misfortune. That is the misfortune today for all of us. If I may only use one word in order to clarify what I wish to say, the police is a necessary instrument and agency in every country, but positive measures like the institution of an order, like a monastic order as he expected it to be, cannot be facilitated by negative instruments like the police. Such ideas cannot be associated. As far as recruitment for the police is concerned, I only did that once in all for the Main Office Uniformed Police [Ordnungspolizei] in January and February 1940. But with a view to ideological training of the police which can be seen from the documents, and I will introduce further evidence on that, the ideological training was not in my hands.

Q. Were your relationships to the police good?

A. Yes, with the Main Office Uniformed Police I maintained good relations. I had a very bad relationship with the Main Office Security Police, with the exception of one office there. This was really not entirely my fault but right at the start when I entered the SS there was a very strong conflict with Heydrich

[1] Not reproduced herein. This document was a letter from the Reichstag Administrative Office to the SS Personnel Main Office, dated 2 September 1943, stating, among other things, that defendant Berger replaced Oswald Pohl as a member of the Reichstag.

[2] Reproduced earlier in this section.

and I didn't provoke that on my part. Thus this disfavor that I incurred was also transferred to his successor and transferred primarily to the Gestapo.

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Q. Under what conditions and circumstances did you join the SS?

A. I was director of the Land Physical Training Institute, Wuerttemberg, department of physical training, in our Ministry of Education. At that time I exercised great influence on physical education as a whole in Germany and, in addition, I also took care of the sports communities which were just then on the point of developing which later became the SS Sportgemeinschaft. The Chief of the Main District of the SS, Major General [Gruppenfuehrer] Prinzmann, in November 1935, advised me to apply for membership in the SS. In view of the bad experiences I had had, I told him I would have to think that over very thoroughly. In November or end of December 1935 Himmler sent a letter and that was a printed form, let me say. The text read approximately as follows: "I propose to accept you into the Allegemeine SS and I request you in agreement with the SS Main District to submit yourself for a physical examination." This document was still in my SS personal file as late as 1944. As this file was not destroyed surely it must be possible to find it. I complied with this request expressed by Himmler. I emphasize there was no coercion. As Himmler himself had written it to me, my honor was saved. I didn't have to go begging and thus it came about that I was admitted into the SS on 30 January 1936 with the official rank of an SS senior colonel [SS Oberfuehrer].

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Q. Witness, what did you notice about the SS in Berlin?

A. In Berlin I was a complete outsider. I was not a member of any staff. That is, I was not included in any staff, so I was my own master. I could observe what went on all the more critically. With my primitive common sense at that time I saw the following: First, that the SS was the only affiliation of the NSDAP which ruthlessly expelled all improper and indecent elements from its ranks; second, they didn't talk nonsense in the SS or spread rumors. Further, all those who had been anxious to join for egotistical reasons were very soon recognized and, in part, "cold-shouldered." At that time I was in constant touch with students. I discovered an extraordinary urge, in particular on the part of very clever and able students and young professors, to join the SS, especially young people anxious to build up. In no affiliation of the movement did I find the old principles of

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the student corps such as the education of chivalry, even towards the enemy, to the German family, and to women, expressed so strongly. This was already pointed out and I think I need not repeat it. Of the high SS leaders, if I may say so, at that time I only met Heissmeyer three or four times. At that time he was Chief of the SS Main Office; I had known of him before. In 1938 Himmler told me quite unexpectedly that he and Rust, Reich Minister of Education, had decided that I should come to the SS Main Office for 15 months, as I have already said, to organize the SS Sports Association [SS Sportgemeinschaft].

Q. Witness, how did your relationship with Himmler develop?

A. First of all, I was in the SS Main Office, that is, from 1 July 1938; that is the date I went there. I was a little man, who, for the rest, did not know any of the remaining office chiefs; and, with the exception of Heissmeyer, I had no personal contacts with any of them. I was once called to Himmler, when he told me that I didn't have enough work in connection with the SS Sports Association and that he would like me to reform the SS Recruitment Office and to build it up anew. At that time I already noticed a number of things before the so-called Secrecy Decree was published [on 25 September 1941].* In the SS there really was no gossip; a lot of swearing went on—very energetic swearing—and criticizing; and the only person exempted from criticism was Adolf Hitler. But nobody told anybody else what he had to do. Later on, during the war, Himmler developed this system with an amazing mastery. I deeply regret that Himmler's guest books are not available at the moment. People who entered their names there also had photographs of themselves put in. These guest books would prove better than anything that he arranged things marvelously. Only those people met who had as little as possible contact with each other officially. If I was ordered to report, there were other people from economic life there, someone from the OKW, or High Command, that is, or foreigners; there was never anyone from the police; never my colleague, Juettner. They would always be sent away the day before. Strange as this may sound, I could never see in Himmler any trace of cruelty or brutality; he was very vain; or, judging from his exterior, if Himmler had come before an investigation commission, which treated people according to principles set down by him, then he would have been turned down as a person of mixed descent [Mischling].

Q. By the SS you mean?

A. Yes, certainly, according to the principles he signed himself. By this I certainly don't wish to indicate about a man who is

* Document Koerner 147, Koerner Defense Exhibit 57, reproduced earlier in this section.

now dead, that I am pushing anything off on him. But, here, I not only represent myself—in fact, myself least of all—but, after all, I represent 280,000 dead. Because of this unbalanced character, which you could already see from outside, you can judge his lack of inner unity with himself. On the one hand, he was terribly vain, had an excellent opinion of himself and very touchy. He was quite incredibly touchy with regard to any criticism of orders given by him, although he knew himself that he was in the habit of acting and giving orders in a very impulsive fashion. To tell him about something that he had done wrong was sometimes a job so difficult that I was not suitable for it.

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Q. Witness, the prosecution has submitted a letter which you wrote to Himmler in March 1943. This is contained in book 44, page 28. It is Document 031, Exhibit 1109.* Do you know this letter?

A. Yes. I wrote it.

Q. Since this letter permits a number of different interpretations, could you tell us what the occasion for it was?

A. If one knows the relationship between Himmler and myself at this time at all, this letter is absolutely clear. However, to explain it, I would like to say the following:

First, at that time Himmler was very unsure because, within the framework of the Gestapo, one breakdown followed upon another. Schellenberg has already cited the one concerning Oleg Zimha. And in every case Hitler heard about these breakdowns from other people, of course, not from Himmler. Then, in 1942, this terrific distrust of Hitler's started, and into the range of this distrust he also included Himmler. Bormann was carrying on an unheard-of policy. Some people called it clever, but I say an absolutely disgraceful policy and he managed everything so cleverly by feeding things to Hitler around many back ways. Before that time, Himmler had felt himself to be a very strong man and now, suddenly, he felt that this wasn't true at all. In addition, at this time he got hold of letters, or rather, manuscript notes made by Heydrich, which Heydrich, like the clever man he was, had safeguarded on the other side of the German frontier. From this he saw that his most loyal Heydrich had been very shaky as far as loyalty was concerned. At this time there came the clash and difficulties with Wolff and Himmler was absolutely in the right in this matter.

Q. Who was Wolff?

A. Lieutenant general, and for many years, for 12 years he had been Himmler's Adjutant, chief of the personal staff, his

* Reproduced earlier in this section.

chief liaison officer with Hitler, and he lived in the next air-raid shelter to Hitler's. Then, there are two additional factors, which also touched him very strongly and I was partly responsible for one of them.

Himmler's important idea was his corps for the protection of the State, that is, the combination of the Waffen SS and the Police. My men of the Waffen SS did not like the idea of this combination and they turned it down in no uncertain terms, and in a not very respectful fashion. I had heard of that, both verbally and in writing. In addition, Sepp Dietrich, before his appointment in Russia—so that must have been between 10–15 of January 1943—told him the same thing, but even more clearly and, in accordance with Sepp Dietrich's character, in even less uncertain terms. He was so unsure of himself at that time that he wanted to create a liaison with Bormann in some way, or rather, make himself subordinate to Bormann. I tried to prevent him from doing that because I thought, and still think, that Bormann did the greatest harm of anybody in all these years, apart from a few smart guys in uniform. For the rest, this judgment concerning Bormann will, I think, be confirmed in the course of the next years.

Q. Witness, you have given us reasons why you wrote this letter to Himmler.

A. Yes.

Q. But this letter also mentions the Ministry for the East. That is the last part of the letter. What gave you occasion to mention the Ministry for the East? Did you have any particular purpose?

A. It mentions, mainly, the eastern people. Oh, I see, yes, at the top there. Yes, the Eastern Ministry.

Q. On page 4 of the German.

A. Yes. This letter is dated 9 March 1943. On 25 January of that year there had been a discussion between Rosenberg and Himmler, with Gauleiter Greiser, in Poznan. This was a very long discussion and a very detailed one in private where it was said afterward that the two big-shots had reached unity in every way, and that I had to join the Ministry for the East as State Secretary. That is why I wrote this and I only wish to say the following about it. Of course, especially in the case of my letters, which are sometimes put in a not very cunning fashion, but which are written the way a soldier writes, one can read all sorts of things into or out of them, of course. At that time I quite openly admitted that I was anxious to get a big position in organizing the eastern population for the fight against bolshevism. There is no need to discuss it any further. It was,

quite undoubtedly, a part of my work and I still stand up for it now as I did then. In bolshevism I saw a threat to the West, the destruction of the West.

During the next few days I will quite briefly mention again my reasons for this opinion and how, only after fearful considerations, I came to adopt this attitude.

Q. Witness, did you consider the eastern policy at that time wrong and, by becoming State Secretary in the Eastern Ministry, did you want to bring about a change? Quite briefly, please.

A. Well, we will come to that later. Yes, I considered it to be wrong.

Q. Was the appointment to State Secretary, promised you for January, delayed?

A. It never came off at all.*

* * * * * * *

(Recess)

Q. Witness, first of all, may I remind you of the fact that you are still under oath?

A. Yes.

Q. Yesterday we stopped with the new tasks which were put to the SS after 1933. In order to bring this to a conclusion I would now like to ask you, briefly—is it correct that after 1933 the SS was given the assignment of building up an anti-Bolshevik organization of the German people?

A. Yes.

Q. Was the General SS ideologically trained, accordingly?

A. Yes.

Q. After 30 June 1934 did Himmler, in addition to his office as Reich Leader SS, also take over another large task?

A. Yes. Himmler, I think, felt that he had been slighted. It is well known that his wife was 10 years older than he and very ambitious. In 1931 she had taken up contact with Heydrich, out of ambition, and quite ruthlessly. I heard from General SS Leaders that these two people now urged Himmler that he should also take over some post in the State. By very skillful negotiations he took over what was at that time called the Political Police, which had existed since 1920 or 1921—"snatched" this job, as you might say.

Q. Was the SS in general in agreement with the fact that Himmler should also become police chief?

* On 20 January 1945, Berger was relieved of his job as Chief of the Political Leadership Staff in the East Ministry. Rosenberg, however, asked Berger to remain as liaison officer between the East Ministry and Himmler (Doc. NO-347, Pros. Ex. 1103, reproduced earlier in this section).

A. At that time I was in Wuerttemberg when the negotiations took place and only observed them as a complete outsider. I was neither in the SA nor in the SS and can only say that the General SS was not in agreement.

Q. Thank you, that is enough. Witness, in the further course of the case in chief, we will come back to the prosecution's charge that you had decisive influence on concentration camps. In this connection the SS played a part which went by the name of Death Head Standarte, or TV [Totenkopfverbaende] for short. Would you please briefly tell us about this TV and its counterpart, the so-called VT [Verfuegungstruppe] or Special Task Force?

A. We will have to talk about these two formations in detail and I would like to give a survey in a few sentences. First of all, the TV or Death Head Formation was called Totenkopfverbaende not Totenkopf-Standarte as you said just now. The Totenkopf-Standarte is something different. The detention camps, later concentration camps, were originally subordinate to the SA. As a result of the abuses, these camps were taken away from the SA and at that time Hitler himself, without any proposal from Himmler, appointed Eicke as Inspector of these camps. The SA had been in charge of the camps and accordingly the guards had been SA men. In part, these guards were now taken over by Eicke, and this new formation he set up he called the Death Head Formation [TV]. These Death Head Formations were neither part of the Wehrmacht nor were they police. They had a brown uniform of their own. It was a uniform similar to that of the SS and on the right hand side of the collar they wore a skull. Eicke now wanted to set up a unit that would serve for many years. That is why he appointed only such men to this formation who were prepared to sign on for 12 years. During these 12 years of service, however, they were not exempted from compulsory military service—the men had to serve their 12 years with the army and they were then members of the army reserve. These men of the Death Head Formations were, for the most part, not members of the General SS. They were not recruited according to the regulations of the General SS. Second, they were much too young for the SS. Wherever possible Eicke wanted to get boys of 16 or 17 as recruits, so that this formation should not become too old.

Q. What about the VT—the Special Task Force?

A. In 1933 the TV, Death Head Formation, had between 7,500 and 8,000 members. The VT, or Special Task Force, was a purely military force. It was to become Hitler's experimental force, with which he could slowly build up the army and through which he could introduce all innovations in the way of armaments,

equipment, and training. This VT had compulsory service time of 4½ years. During these 4½ years, of course, they served their military service—that was included. They were subordinated to the local divisional army commander. Three regiments of these VT were set up. The bodyguard, Leib Standarte in Berlin, which was later made into a division; the Germania Regiment, with one battalion each in Hamburg, Arolsen, and Radolfszell; the Deutschland Regiment, with one battalion in Ellwangen, two battalions in Munich, one signal battalion in Unna (Westphalia), and one engineer battalion in Dresden. Until 1939 the VT had no heavy arms, that is, no artillery and no tanks. I think that is the essential part.

Q. What about the membership of the VT in the SS?

A. Members of the VT were in the SS. No one could become a member of the VT who did not fulfill the SS regulations: that is, in the first place, who did not have the outward personal appearance; second, the height required—in the case of the VT it was 174 centimeters, that is about 5′ 10″; third, he could not have been previously sentenced by a court of law or by the police and he had to prove that he had no debts and other matters.

Q. Was the VT particularly trained in defense against bolshevism?

A. Yes. The VT was supplied with ideological training material and everything connected with it by the then ideological training office of the SS Main Office in its old form; while the Death Head Formations had their own ideological training.

Q. We will come back to that later. Witness, that ends the section concerning membership of the SS. Do you, of your own account, wish to say anything with regard to this chapter?

A. I would like to tell the Tribunal, in a few short sentences, the following: The SS was the elite of the German nation. Its members were recruited from all ranks—from the simple worker to the future Prince Consort of the Queen of the Netherlands. According to statements made by British and French people to me, among others, there was no organization in Europe where so many good men were collected together. The circle of those who actually committed crimes can only have been a small one. There were people among them who were not members of the SS but whom Himmler appointed on his own, contrary to existing regulations. I will quote two names—for instance Hoess—

Q. Who was he?

A. The commandant of Auschwitz who was responsible for the extermi...ions there. And a certain Mr. Koch, not the Reich Commissioner [for the Ukraine], but the former commandant of

Buchenwald[1] who, certainly will be mentioned in the rebuttal. Two hundred and eighty thousand men were killed in action in the Waffen SS; 220,000 of them were of German blood and they came from all over Europe—from the North Cape to France; 60,000 came from divisions set up in the East—Balts, Ukrainians, and Caucasians. Eighty percent of these people were killed on the Eastern Front, fighting for a new Europe. You cannot carry on such fighting with a troop of criminals. I would ask the Tribunal to remember the following: I am not trying to push any responsibility off on to anybody else. I will be responsible for everything that went on in my SS Main Office, even if it should be matters of which I knew nothing. It is therefore not necessary to keep on worrying my people and threatening them with being handed over to France and other countries, to be hanged. If anybody should be hanged it is I, and not my men. I would like to stress that emphatically, so that the Tribunal does not get the impression that I am trying to shirk responsibility. I will not defend myself personally but will leave that to my defense counsel.

* * * * * * *

Q. Witness, may I ask you to look at book 66–A, and look at page 8 of the German. There you will find Document NO–2053, Prosecution Exhibit 2339.[2] With this document the prosecution is trying to prove that you were responsible for the whole ideological training of the General SS, the Waffen SS, the Security Police, and the Uniformed Police. To what extent is that correct?

A. This document is in two parts. The first part is a letter to Himmler concerning ideological training of the troops. It concerned the Waffen SS, but not the police. What is contained in this letter I stick to today exactly as on 10 February 1943. On the contrary, on the basis of my experiences, I would today have formulated this letter even more sharply and precisely than I did at the time.

What I only suspected then, that is the immense power of the Bolshevik propaganda as coined by Stalin upon the troops and the individual, that has become a certainty for me today. Our education in the Waffen SS was not nearly so far advanced as that of the Russians. That is why I suggested to Reich Leader SS Himmler an order. That is on page 10 of the text of my document. This suggestion, unfortunately, Himmler never signed. I did indeed have the right and the duty of publishing all ideo-

[1] SS Colonel Koch, formerly commandant of Buchenwald concentration camp, was executed after an SS trial before Germany surrendered to the Allies. His wife, Ilse Koch, was tried for alleged atrocities before a special American Military Government Court at Dachau.

[2] Reproduced earlier in this section.

logical pamphlets but I had no influence over what happened to these pamphlets because I did not have the right to inspect the replacement units of the Waffen SS without previously announcing myself to the Leadership Main Office. It was a rather undignified state of affairs for me. As the following documents show, if I may follow this matter up, the next is NO–4670, Himmler then decided—

Q. Just a moment, that is Document NO–4670, Prosecution Exhibit 2340[1] on page 12 of the German. Now continue.

A. On 1 January 1944 he appointed Senior Colonel [Oberfuehrer] Fick as Inspector for the entire ideological training of the SS and Police. The implementation decree for this is contained in a later document which I don't have available here at the moment, but I don't think that is so important. Not until 1945, with the reorganization of Office Group C, was this matter finally cleared up. That is Document NO–4671.

Q. Would you mind giving the exhibit number first?

A. I would if I could.

Q. It is Document NO–4671, Prosecution Exhibit 2341,[2] page 13, but I draw your attention to the fact that as conscientious counsel I have given a second number to the document in pencil and that is the exhibit number. Now, would you please continue.

A. In the meantime may I mention that as a result of the heavy losses of the Waffen SS it had happened that for more than a quarter of a year we could not train our young people at all. Anybody who has ever been through military training knows that in a quarter of a year of military training, one can't do very much in the way of education, outside of purely military matters. This may sound like a contradiction perhaps.

We did not do too much in the way of ideological training. We did too little, because we had no time. If the prosecution now charges me that as a result of this ideological training, the people who murdered some Jews in the East were incited to these acts first by this education, that is already wrong from the point of view of time, because according to what I have now found out in the trials here, and according to detailed questioning of the defendants in the Einsatzgruppen case, in particular Ohlendorf, and they after all were the people who must know, these terrible things took place in 1941, 1942, and in 1942 they were on the whole concluded. Certainly the guidance pamphlets went from the SS Main Office to the Reich Security Office, but until now I have not seen a single guidance pamphlet which contained incitement to cruelty, hatred, and so on. I would like to point

[1] Reproduced earlier in this section.
[2] Ibid.

out here that the Reich Security Main Office had a special ideological training department, and according to Heydrich's remark, Heydrich turned down my leaflets as little treaties.

Q. Witness, you mentioned that the persecution and extermination of the Jews in the East was carried out by the Einsatzgruppen as early as 1941–1942. Were the police concerned in this in any way?

A. The police—that is the local police—must have played a considerable part, because otherwise it wouldn't have been possible at all.

Q. I am asking you because I would like to ask you to look at pages 7 and 8 book 66–A. There you will find Document NO–1817, Prosecution Exhibit 2337, page 7 and Document NO–1818, Prosecution Exhibit 2338,* page 8, of our document book. This is an agreement between the Reich Leader SS and the Minister for the Occupied Eastern Territories dated 15 March 1943. This agreement was signed by you on behalf of the Reich Leader SS and a certain Dr. Leibbrandt on behalf of the Eastern Ministry. This concerns the political training of the eastern nationalities in the police. The prosecution has made things look as though from this you could be charged with responsibility for the acts of the local police. What was all this about?

A. This agreement concerns an arrangement and a unification of the guiding principles of the ideological training for the Ukrainian guards who had been enlisted as security units for service under Main Office Uniformed Police and were called "Schuma" [Schutzmannschaften] for short. That had quite a different background. In 1942 the formation of a Ukrainian division was started. The volunteers in this division did not come from the Russian Ukraine, but from the Polish Ukraine, the capital of Lvov which today is again Russian. The founding of this division met with tremendous difficulties, especially because Koch, Reich Commissioner for the Ukraine, was against it, as later documents show which have been introduced here. He wanted to prevent the setting up of the division at all costs because, of course, he saw it coming that after these troops had been under fire and proved themselves, his policy in the Ukraine must be changed. As in the case of all other divisions which we set up from other nations, we also had chaplains in this division. These were provided by the Greek Orthodox Archbishop of Lvov. He was a very clever, and especially politically, a very active man. He sent me his prebendary and suggested that the unified ideological training pamphlet should be created for all Ukrainians serving with the Waffen SS and that either he or the

* Both of these exhibits are reproduced earlier in this section.

first chaplain of the division would be responsible. We agreed to this. I did not inform Himmler about it at the time but I negotiated about it with Rosenberg and Leibbrandt. Rosenberg was against it at first because he said he could not give his approval for a pamphlet issued by priests. He, Rosenberg, then drafted this agreement. That is why these Jewish articles have been brought in. I myself assigned Lieutenant Colonel Dr. Arlt from my Main Office for Germanism. This severity and this dragging in of the Jewish question wouldn't have been necessary at all, because all Eastern peoples, irrespective of whether they were Estonians, Latvians, Ukrainians, or White Russians, were full of tremendous hatred for those of the Jews, and I emphasize those of the Jews, who were working as commissioners with the troops and in the civilian administration and had molested them for years. There is no doubt, and it cannot be denied, that very many Jews were active as commissioners here, and like everywhere else in the world, the just were condemned together with the unjust.

Q. Witness—

A. I mean in spite of what has happened to me and what I have seen I have expressed this in a dignified manner and I think that settles the subject. Otherwise I would have to say more.

* * * * * * *

Q. Witness, in this connection we have to deal with only one more publication. The prosecution offered this publication complete—with text and pictures—and it is entitled "The Subhuman"* [Der Untermensch]. The prosecution pointed to the fact and compared it to Julius Streicher's publication, "Der Stuermer," and said that some pages in it recall "Der Stuermer."

What do you know about the origin of this publication and the pictures entitled "The Subhuman"?

A. As one of the prosecutors just told me, the entire publication was translated into English, and thus this document will speak for itself. But concerning its origin—I must say it is a propaganda publication. It was not the affair of the SS Education Office to issue propaganda; and this is the only propaganda publication that was issued.

In a few brief words I will give you its origin. In the autumn of 1941 we thought first—it is wrong to say "we"; it was really Adolf Hitler—of the fact that the Russians had a very capable propaganda machine. In the spring of 1942, Goebbels issued the order that an illustrated pamphlet be published with a few words only—captions—in which they wanted to fight against

* Document NO-1805, Prosecution Exhibit 2357, an extract from the introduction to this illustrated pamphlet, is reproduced earlier in this section.

bolshevism and its propaganda. I don't know how many suggestions were submitted by Goebbels to Hitler, but certainly there were many. He did not agree and he transferred this job to Himmler. Himmler in his customary manner, delegated this to me. All of the people in the office knew that this was a "path of the cross" [Leidensweg] for the Education Office. As far as I know, altogether we submitted nine different drafts; then I quit the race. Himmler then appointed a member of my Education Office, the then Captain Koenig, as the expert to work on this, and he ordered him to come to see him in the field headquarters. There that publication was completed.

It is undoubtedly correct that the prosecution says that some pages of this publication recall "Der Stuermer." But they are very insignificant, and they disturb the over-all impression that's given by the publication. One very unpleasant part of this, in which Roosevelt, Stalin, and Churchill are mentioned, was incorporated in this publication at the express desire of Goebbels. These things were brought in because at the time Hitler too was defamed in pictures and words in a manner that cannot be described at all. The publication itself was not destined for the front line, but for the home front. For the rest, I don't know when, exactly, but I recalled it and suspended the printing of it. On the basis of a report that I received—if I'm not mistaken, by K. L. Albrecht,* who is still around here—this latter person told me that during a proceedings before a court, which was initiated against a foreman who mistreated Russian PW's, the latter indicated for his defense that the Russians were subhuman. He used that expression. And Albrecht advised me at the time not to have this reprinted any more. I not only did that but I even did this thing very thoroughly and withdrew and recalled all publications that were still in existence and had them collected.

Q. Mr. Witness, may I draw your attention to one thing: The imprint of the copy submitted by the prosecution bears as its publisher's name "SS Hauptamt" [SS Main Office]. You just said that a certain man, Koenig, at the express wish of Himmler, had undertaken work on this "The Subhuman" and edited this pamphlet. How is it possible that the SS Main Office is given as the publisher?

A. Normally it was this way—All articles published in the ideological field were signed by the SS Main Office as the publishers, with the exception of the publications of the Reich Security Main Office. It was very unusual if any individual was mentioned as the publisher, because Himmler didn't like that

* Karl L. Albrecht testified as a witness for the defense. His complete testimony is recorded in the mimeographed transcript, 25 May 1948, pages 6249–6306.

sort of thing, and he prohibited it as a matter of fact. It's strange that in the case of all these publications and articles in the "SS Guidance Pamphlet" the author of the article was not mentioned at all. Himmler asserted that that was only personal vanity and would have to be stopped. In the first edition Koenig signed as the publisher himself. Himmler was very much vexed about it and he said that the best ideas came from him, and it was the presumptuousness of a young man. Therefore, in the second edition the name of the publisher was the SS Main Office, without Koenig's name.

Q. Witness, about the origin of the publication, you stated that you only worked on the drafts in the Education Office but not on the final form of the publication. Is that right?

A. Yes.

Q. What part did you take in the distribution of this publication? And please take into account page 141 of document book 66–A.

A. Yes.

Q. That is Document NO–537, Prosecution Exhibit 2358.* That is your conference with the Reich Treasurer Schwarz.

A. Himmler gave me the order to get in touch with Reich Treasurer [of the Nazi Party] Schwarz and to ask him to have the Party take over 50,000 copies, if I am not mistaken. That was very agreeable to me, because I had to talk with Schwarz about questions of the Germanic Directorate [Germanische Leitstelle]. At that time I opened up two new schools in Flanders for the education of orphans and children of Flemish seamen killed in action, and particularly SS men, and I didn't have sufficient funds. That is how I had this conference with him. It was positive in nature, if I am not mistaken, and I believe Schwarz took 50,000 copies.

Q. Witness, this concludes—

A. I wanted to add one more sentence. I want to say this, in regard to the contents of this publication. In March and April of 1945 I had to take back some prisoners of war from Pommerania, and the second time I had to save and take back the French SS Division Charlemagne, in Kolberg. On this occasion I saw areas which had been occupied by the Russians and where they had been thrown back again. The pictures that are here shown are nothing compared to the reality as I saw it. There is a five thousand-meter-long film about this, and I am sure it cannot be destroyed because it was taken to Denmark. Perhaps that film will offer the material for a propaganda publication of a later time.

* Reproduced earlier in this section.

Q. Witness, I now want to conclude this subject matter, and I want to merely ask you whether it is correct that the main training means were the SS guidance pamphlets,[1] which have been repeatedly mentioned here.

A. Yes, and at the end it was issued with a publication of 450,000 copies a month.

Q. Can you indicate whether incitements to cruelty or atrocities against the general public were contained in these SS guidance pamphlets, or whether they were approved?

A. I believe I can definitely say this was not the case. All of the SS guidance pamphlets that were still available were brought with me for the main trial in 1945, or at least I had them brought here. I can prove this on the basis of individual pamphlets that I still had available and which the prosecution has kindly made available to us.

* * * * * * *

Q. Witness, what did you know about the so-called Final Solution of the Jewish Question?

A. I heard of the express "Final Solution of the Jewish Question" in Nuernberg or in Dachau and I must say, quite honestly, that I heard that not from the prosecution, but I heard this expression from those people who had a bad conscience and who consulted very zealously as to how they could get out of this unpleasant situation. I learned there for the first time that a very considerable plan existed but that wasn't a plan for brutal extermination, it was a plan for the evacuation of all of the Jews from the German Reich.

Himmler, at one time, wrote me a very unpleasant letter. I don't know whether it is to be treated here or some other place in connection with the Eastern Ministries but he stated in the conclusion of his letter, "This is the way to govern and not otherwise."[2] But he, Himmler, didn't say a word about the fact that the Jews were to be exterminated. During that time of those tensions, were all that would have been necessary, and then Himmler would no longer have been the leader of the Waffen SS, that would have been the last straw if that had been done.

Q. Witness, yesterday the witness von Woyrsch[3] told us everything necessary about this notorious Poznan speech [of 4 October 1943]. That is Document 1919–PS, Prosecution Exhibit 2368[4]

[1] An extract from one of these guidance pamphlets, Document NO–4404, Prosecution Exhibit 3504, is reproduced earlier in this section.

[2] This quotation is from the last sentence of Himmler's letter of 28 July 1943, concerning the treatment of Jews in occupied territories. This letter Document NO–626, Prosecution Exhibit 2378, is reproduced earlier in this section.

[3] Udo von Woyrsch testified as witness for the defense. His complete testimony is recorded in the mimeographed transcript, 20 May 1948, pages 5921–5972.

[4] Reproduced in part earlier in this section.

and one copy of that speech is on page 1 of book 66–B. I will ask you very briefly, were you also present during that speech in Poznan, and can you confirm what the witness von Woyrsch said yesterday about the contents of this speech and the contradictions that exist in the transcript that was submitted here?

A. Yes. I was in Poznan. The speech was interminable. I can no longer say with certainty, today whether a certain thing was said in a certain form, because all during that time I was still suffering from an injury caused by a shell splinter. However, I can say one thing with certainty. The things that refer to me personally are not contained in the speech at all, because at that time Himmler made statements about the German, Estonian, and Latvian Treaty, which I drafted within the Eastern Ministry, and he referred to the Baltic Corps and said that they were very courageous fighters. He also dealt with questions with reference to the Germanic volunteers because, apart from the high SS Leadership Corps, there were also present the commanding officer of the Walloon Division, which was called "Wallonie", whose name was Degrelle, Leon Degrelle. There was also a Danish SS leader, Feldmann by name. There was an SS leader from the Netherlands, and, if I am not mistaken, van de Wiele was there too, who was the president of the Flemish movement. His name was van de Wiele, president of the Flemish movement, of the " De Vlag."

When he saw them present there, he devoted a particular passage in his speech to them. That is not contained in the transcript. I can say with certainty that he did not speak about the extermination of the Jews, because the reason for this meeting was to equalize and adjust these tremendous tensions between the Waffen SS and the Police.

* * * * * * *

Q. Witness, I now turn to your activity carried out, according to the prosecution's point of view, on behalf of the East Ministry —Witness, I have one preliminary question first. The designation Reich Ministry for the Occupied Eastern Territories might lead one to conclude that this Reich Ministry was located in the East, where it had its headquarters. Where was the building, actually, of the Reich Eastern Ministry, in what city?

A. In Berlin.

Q. Oh, in Berlin. In other words, the same place where your SS Main Office was located?

A. Yes.

Q. Were both of these offices somehow connected geographically or locally?

A. These offices were 2 miles away from each other on the beeline.

Q. In whose hands was the administration of the eastern territories?

A. Reichsleiter Rosenberg.

Q. For this work of administering these territories—let me put it this way. Were these areas subordinated to Rosenberg from an economic and political point of view?

A. One should really say they were supposed to be under his jurisdiction. They were so on paper. Actually, however, it was this way. All of the Reich agencies intervened in Rosenberg's jurisdiction and at no time was Rosenberg really the sole master over that territory.

Q. Witness, you are supposed to have been the liaison officer. What is the meaning of "liaison officer"?

A. A liaison officer between two Ministries or between two offices was either a high ranking official or an officer from the General Staff, and he had the following tasks:

First he had to maintain a personal contact between the two agencies, that is to say, between the leaders of the two agencies.

Second, projects that concerned both offices had to be given notice of in a semi-official manner, and the opinion and points of view of both offices had to be investigated, but, these opinions had in no way to be coordinated.

Third, in the case of any difficulties that might have arisen between the two offices, this liaison officer had to intervene personally and thus remove or compensate for unnecessary harshness. He had to take the edge off any disputes and guarantee that the matter would be settled in an objective manner. And probably, as a last point, to bring to knowledge, in a personal way and orally, the opinions of the two agencies.

Q. I now submit to you Exhibit 1100, on page 1 of document book 67. This is Document NO–3631.* I ask you, is it correct that in July 1942 you were appointed as the liaison officer to act between Himmler and the Reich Commissioner for the Occupied Eastern Territories?

PRESIDING JUDGE CHRISTIANSON: Just a moment, Doctor. What exhibit number did you refer to?

DR. FROESCHMANN: Exhibit 1100.

JUDGE MAGUIRE: That is not in book 67.

MR. PETERSEN: It is to be found in that book.

DR. FROESCHMANN: Yes, book 67, on page 1. This is a letter from Himmler to Rosenberg.

* Prosecution Exhibit 1100, reproduced earlier in this section.

PRESIDING JUDGE CHRISTIANSON: It is also, as 1100, in book 44. Now there is the confusion.

DR. FROESCHMANN: Yes, Mr. President. That letter has been reproduced in two different places. It is in book 44, as well as in book 67.

PRESIDING JUDGE CHRISTIANSON: Yes, it is here also. That is all right. Very well. That explains it.

DR. FROESCHMANN: Well, Witness, is it correct that you were appointed to be the liaison officer between Himmler and the Eastern Ministry?

DEFENDANT BERGER: According to this document, yes.

Q. Can you describe the circumstances that brought this about?

A. Yes, in a few sentences. The liaison officer between Himmler and Rosenberg was Heydrich, until he died. He was Chief of the RSHA. According to Rosenberg's statements, Heydrich regarded his office too much from his own point of view, that is to say, Rosenberg asserted that he spied upon him too much and that he carried tales from the Eastern Ministry, things that were not yet ready for discussion. He, Rosenberg, said that Heydrich was to blame for the fact that Hitler developed this animosity towards him, Rosenberg; and Rosenberg said that he, Heydrich, had done all of that only so that he could later take his place.

From what I experienced, I can say that the people in the Eastern Ministry were all afraid of Heydrich, and one can certainly say that all of these people were relieved, there was a weight taken off their chests, when this man Heydrich was dead.

At that time I had no connection at all with Rosenberg, but I did have connections with his leader in the staff, Dr. Stellrecht, who came from the same town as I did, and whom I had known for many years.

Q. Witness, it is not correct, then, from what is contained here in Himmler's letter to Rosenberg, that there was a good personal contact in existence between the two of you?

A. It is not correct that there was a good personal connection between Rosenberg and myself because I did not know Rosenberg personally at all at that time. Stellrecht suggested me to Rosenberg and Rosenberg approached Himmler and asked him about me. When he did so, he said that I should be the only liaison officer between his, Rosenberg's, agency, and him, Himmler. That is to say, all affairs that in any way concerned the SS or Himmler should be reported to Rosenberg by me and that, on his part, Rosenberg should give into my hands everything that he had to do with Himmler's agencies, for my direct transmittal to either Himmler or to the other SS agencies. Himmler

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promised this in paragraph 1 of this document. In paragraph 2 of this document, he somehow takes back the promises he has made in paragraph 1 because he refers to other people who are also to be liaison officers, Pohl, Juettner, and so on.

Q. After Rosenberg received this letter, did Rosenberg express his disappointment toward you about the contents of this letter because other liaison officers were also mentioned?

A. He didn't express that to me personally but to Stellrecht, and when I wanted to report to him personally, as the person now in charge of the new position, he didn't receive me, and he said: "If I receive you, then I have to receive all of the SS leaders in Berlin, because all of them have been named as liaison officers."

(Recess)

Q. Witness, was your work as liaison officer extensive?

A. I think I may say that as a result of the order and Himmler's agreement concerning the work in 1942, the work was restricted to a few cases. In 1943 I was in the Ministry for the East every day, for at least half a year, but I already saw myself as a future member of the Eastern Ministry and, as a result, had no reason to tell Himmler about everything. From the fall of 1943 onward, after I had found that on the one hand, Himmler would not let me go and, on the other, Rosenberg could not be persuaded to make a final decision and since, moreover, conditions in the East were becoming such for us that week by week we would lose more territory I withdrew, as I will prove, and after that I was only called in when there were particularly difficult matters to settle.

Q. How long did you remain liaison officer between Himmler and Rosenberg?

A. Nominally, and on paper, up to the end of the war.

* * * * * * *

Q. Now Witness, on 10 August 1943, Rosenberg issued a decree that you were in charge of the Political Leadership Staff in the Eastern Ministry. I refer to Document NO–348, Prosecution Exhibit 1101, and Document NO–349, Prosecution Exhibit 1102,* in document book 44. Is it correct that the decree was issued by Rosenberg?

A. This decree was signed by Rosenberg but it was never issued.

Q. How is that?

A. Just like the following document, NO–349 [was never issued]. The publication in the official gazette was signed by

* Both exhibits mentioned are reproduced earlier in this section.

Meyer, the State Secretary, but no official gazette or information bulletin of the Reich Ministry for the Eastern Occupied Territories ever published it.

Q. Witness, how did this assignment come about?

A. May I be quite brief? I have already said once that toward the end of 1942 I tried, by all possible means, to leave the SS Main Office and to become a commander of the South German SS Division Hohenstaufen which was being activated at that time, or to join the Ministry for the Occupied Eastern Territories. The actual reason I wanted to go to one if the other didn't come off was that I was convinced that Germany must be ruined if we continued this insane policy of Koch in the Ukraine. I thought something must be done in order to put an end to this colonial policy as quickly as possible. I talked to Dr. Stellrecht. Dr. Stellrecht, at the end of November or beginning of December 1942, invited me to his apartment in Frohnau, and here I talked to Rosenberg himself for the first time.

Q. What did you talk about?

A. First of all we discussed the military situation, which I did not judge nearly as favorable a way as Rosenberg, because I knew for certain that by employing two million Chinese workers, Russia had freed at least one million soldiers and would make a great thrust with this million. Second, I told Rosenberg about all the suggestions and proposals of the divisions of the Waffen SS—about the insane policy of Koch. Rosenberg agreed with me in part and Rosenberg then, of his own accord, suggested to me that I should join him in the Eastern Ministry as State Secretary.

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Q. In the Eastern Ministry at that time was there a main department for politics?

A. Yes.

Q. Who was its chief?

A. Dr. Leibbrandt.

Q. Was Leibbrandt supposed to leave if you became State Secretary?

A. That was intended.

Q. Was the preliminary work of the Political Leadership Staff got under way?

A. Yes. Unless I am mistaken, in May or June of 1943 but only in Berlin because this Leadership Staff was in actual fact established, but the parallel form for the Reich Commissioners in the occupied eastern territories with the local agencies was not set up.

Q. I see. Now, what about Rosenberg's decree of 5 August 1943?[1]

A. That was only a decree to force the Reich Leader SS Himmler to show what his intentions were. In the meantime Rosenberg repeatedly wrote to Himmler and never got an answer. He further told me that at a Reichsleiter meeting Himmler had dodged him. It was a most embarrassing state of affairs for me.

Q. Witness, what about your responsibility in the work you did in July and August? How would you describe and limit it?

A. That can't be said in a few words, but all the same I would like to be quite incredibly brief. I am certainly not one of those people who pretended to have known nothing at all. At this time I honestly and decently worked as a German general in this Eastern Ministry. I stated my opinion and did not sign any documents but at this time between the first of April and about the beginning of November, I was every day from about 1100 to 1230, that is an hour and a half, in the Eastern Ministry and attended the situation conferences and the daily discussions.

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CROSS-EXAMINATION

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MR. PETERSEN: Now, Witness, I ask you the same question that I asked the witness Hildebrandt[2] this morning. Isn't it a fact that the chiefs of the SS Main Offices were very often referred to in SS Circles as Himmler's Twelve Apostles?

DEFENDANT BERGER: I occasionally heard this term and took it to be ironical and when I heard it I didn't like hearing it.

Q. Did you also hear the ironical term with respect to yourself when they call you the Almighty Gottlob "der Allmaechtige Gottlob"?

A. That was a very stupid saying of an SS Lieutenant General who liked to use such jokes, not only toward me but toward other people, too.

Q. Were you ever referred to as the Julius Streicher of the SS?

A. Only by you. Nobody else so far. There was no reason for it either.

Q. Did you participate in inciting the people in your care to do their part in eliminating Jews?

A. No.

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[1] Apparently reference is made to Rosenberg's letter to Berger of 10 August 1943 (Doc. NO-348, Pros. Ex. 1101) reproduced earlier in this section.

[2] Richard Hildebrandt, one of the defendants in the RuSHA Case (Vols. IV and V, this series), appeared as a witness for defendant Berger. His testimony is reproduced in the mimeographed transcript, 1 and 2 June 1948, pages 6928–6947 and 7026–7062.

Q. But you admit that you were present at the conference of Major Generals in Poznan; is that correct?

A. Yes.

Q. Now, at that conference didn't your Reich Leader discuss the plans for the liquidation of the Jews in Europe?[1]

A. I can only say what I have testified in the witness stand once before. Terms such as the liquidation of the Jews and things connected with it, I just do not remember, not because I don't want to but because the speech was endlessly long, more than 3 hours as far as I remember. Everybody paid attention only to what concerned him personally.

Q. At the same conference did the Reich Leader make the following statement regarding eastern nationals: "Whether nations live in prosperity or starve to death interests me only insofar as we need them for slaves for our Kultur."

Just a moment. I don't believe that the translator—does the translator have a copy of that book?

THE COURT INTERPRETER: Yes.

MR. PETERSEN: Yes.

"Otherwise it is of no interest to me whether 10,000 Russian females fall down from exhaustion while digging an antitank ditch; it interests me only so far as the antitank ditch for Germany is finished." Now, don't you regard it as unusual that such a statement was made or was that so common place to you that you didn't even pay any attention to it?

A. No, that is unsual, although in Himmler's case one was used to a good many things in his speeches. I do not remember this, all the less so since in 1943 there was not yet any question of antitank ditches.

Q. Witness, have you examined the Document 1919–PS—that is, have you examined those excerpts in the Document 1919–PS, which are contained in document book 66–B, Document 1919–PS, as Prosecution Exhibit 2368?[2] Have you examined those excerpts from the Poznan speech?

A. If they are the same excerpts which were submitted to me in Court in Case 8, yes.[3]

Q. I submit the document book to the witness, and I ask the witness to examine the document in question. You probably looked at this document book before.

A. Yes, certainly.

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[1] Reference is made to Himmler's Poznan speech of 4 October 1943. Extracts from the transcript of this speech, Document 1919–PS, Prosecution Exhibit 2368, are reproduced earlier in this section.

[2] Reproduced in part earlier in this section.

[3] Berger testified as a defense witness in the RuSHA case (Case 8). This testimony is recorded in the mimeographed transcript of that case, 16 January 1948, pages 3837–3878.

Q. Yes. Now, I ask you once more, and I remind you that you're under oath, whether this document that you have before you now corresponds to the speech that Himmler made at that time.

A. Today, again, under oath, I can only reaffirm that I do not remember this document, as it stands here; and all these things are missing in the document which concerned me personally. And there was quite a substantial portion of that, too. It concerned the Germanic Directorate and mainly matters concerning Estonia and Latvia.

Q. With the Court's permission, at this point, I ask the Court's indulgence for a period of a few moments in order that we may bring a gramophone into the room. And I should like the witness to say whether he recognizes the voice of Himmler as it appears on the record which I am going to play to him.

(A gramophone was brought into the courtroom.)

JUDGE POWERS, Presiding: If the Court's going to get any benefit from this it has to be translated—or have the interpreters translate it. I suppose the interpreters will be able to hear it?

MR. PETERSEN: I think that if they catch that needle and put it in slowly enough, the interpreters will be able to get this first record.

(The record is played).

THE COURT INTERPRETER: "Since we met, many of our comrades have been killed, giving their lives for Germany and the Fuehrer. In the first rank—and I ask you to rise in his honor and in honor of all our dead SS men, soldiers, men, and women—in the first rank our old comrade and friend from our ranks—SS Obergruppenfeuhrer Eicke. Please be seated."

MR. PETERSEN: I will now pose the question to the witness, whether that is the voice of Heinrich Himmler.

DEFENDANT BERGER: It's an intermediate thing between the voice of Himmler and Hitler.

DR. FROESCHMANN: Your Honors, I would like to ask that the prosecution be requested to give us some details about the origin of the record—whether it was made at the time or made later, where it comes from, etc., so that we can have some ideas as to the reliability of the record.

MR. PETERSEN: If the Court please, I think we can satisfy Lieutenant Froeschmann's curiosity. And at this point we will offer this in evidence, if convenient to the Court. I should now like to play—

JUDGE MAGUIRE: Well, just a minute. I don't understand the witness' answer. Did he say he recognizes or fails to recognize that as a reproduction of the voice of Heinrich Himmler?

DEFENDANT BERGER: That is not Heinrich Himmler's voice. At any rate, not the part that has been played so far. From this you can't say whether it's Himmler's voice.

MR. PETERSEN: Would you like to hear that record played over again, Witness? You can take your time in making up your mind.

DEFENDANT BERGER: I have never yet heard Himmler's voice on a gramophone record. But this sonorous tone was lacking in his voice. But perhaps we're going to hear some more.

MR. PETERSEN: Suppose we play that record over again.

JUDGE POWERS, Presiding: Is the witness getting it direct?

MR. PETERSEN: He's getting it through the sound system.* (To the operator): Is it possible to get that directly?

THE OPERATOR: No. I'm afraid not.

JUDGE MAGUIRE: Let him hear more of that record.

MR. PETERSEN: Play the whole thing, then.

(The record is played again).

THE COURT INTERPRETER: "Since we met, many of our comrades have been killed, giving their lives for Germany and the Fuehrer. In the first rank—and I ask you to rise in his honor and in honor of all our dead SS men, soldiers, men, and women—in the first rank our old comrade and friend from our ranks—SS Obergruppenfuehrer Eicke. Please be seated. I have considered it necessary, now after the beginning of the fifth year of war, which will be a very hard year of war, to call you, the higher leaders of the SS and Police Corps together, sober as we have always been, loyal to the truth. We, at this discussion of Gruppenfuehrer, want to discuss some matters as we used to do in the long years of peace. I will give you my opinion about the situation as I see it and I will also speak on what we have achieved so far, and what we will have to do in the future, as briefly as possible. First of all, the war situation, starting with Russia: In 1937–1938, I think it was, the big show trials took place in Moscow; and the former Czarist corporal, later Marshal Tukhachevski, and his generals were shot. At that time we all over Europe—we Party members too—were horrified. We were of the opinion that Stalin had committed one of his greatest blunders. In this judgment of the situation we were utterly mistaken. We can say that quite calmly and truthfully. We were utterly mistaken. I think that Russia would not have held out over 2 years of war if the former Czarist generals were still active. I say this. At the beginning they made a political commissar into a political general, and those who arose out of the

* In playing records through the special sound equipment system of the Nuernberg courtrooms, the loudspeaker of the phonograph was not used.

Red Army as generals were selected in such a manner that they could, at the same time, be political commissars."

MR. PETERSEN: I will repeat the question to the witness.

Is this the voice of Heinrich Himmler?

DEFENDANT BERGER: It might be Heinrich Himmler's voice.

MR. PETERSEN: If the Court please, at this point I offer a set of recordings of the Poznan speech of Heinrich Himmler, which I mark for identification as Prosecution Exhibit—I'm sorry, I offer these in evidence at this time as Prosecution Exhibit 3507. This is Document NO–5909.[1] These are original captured enemy records that were taken from the Germans along with the Rosenberg files. With the Court's permission, I should now like to play a short master record which contains the portions of the speech in question upon which I questioned this witness and upon which I questioned the witness von Woyrsch. This is a master record that was prepared in the Signal Office upstairs, and I have a covering affidavit to the effect that this is an exact transcript of the original record which we have offered in evidence. We also offer the master record in evidence.[2] I ask the clerk to play the master record.

JUDGE POWERS, Presiding: Do the captured records indicate that they are the Poznan speech?

MR. PETERSEN: I don't quite understand the question. These are German records—

JUDGE POWERS, Presiding: Is there any legend or wording or label on the record to show what it is?

MR. PETERSEN: I don't believe that it has any markings on it except to indicate that the raw material—that is, the record itself—came from German manufacture. I don't know, there are a large number of these records, about 40 or 50 of them all told, and the records are exactly in the same condition in which they were found, in which they were captured along with the Rosenberg files.

JUDGE MAGUIRE: Well, counsel, when the witness answered the question as to his recognition or lack of recognition, I was listening to the German rather than the English. What did he state?

MR. PETERSEN: The witness stated that the voice in question was that of Heinrich Himmler.

JUDGE POWERS, Presiding: Of course, there is no connection here yet between it and the Poznan speech. Maybe the contents themselves will make it clear.

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[1] This exhibit consisted of 44 separate phonographic records found in the files of Alfred Rosenberg.

[2] This master record, Document NO–5909–A, Prosecution Exhibit 3508, was a reproduction of extracts of records 1, 14, 36, and 37 of the 44 records of Himmler's Poznan speech introduced in evidence as Document NO–5909, Prosecution Exhibit 3507.

MR. PETERSEN: I have just asked the signal officer to play the record and to play those passages in the record which the Court may then compare with the Poznan speech, Document 1919–PS, Prosecution Exhibit 2368, which we have in the document book. I ask the Court to turn to page 2 of document book 66–B, and I will now distribute certified translations of the extracts from the recording in question in order that the Court may ascertain for itself that these transcripts are fairly exact. It would appear that here and there in the document the stenographer changed a word or two because the grammar was bad, but this is practically an exact transcript, that is, the document is practically an exact transcript of the recording.

DR. FROESCHMANN: Your Honor, counsel for the prosecution has just stated that the witness said that this was Himmler's voice. What the witness actually said was that it might be Himmler's voice.

MR. PETERSEN: Will the signal officer please play the record.

(*Record.*—"Since we met, many of our comrades were killed, giving their lives for Germany and the Fuehrer. In the first rank—and I ask you to rise in his honor and in honor of all our dead SS men, soldiers, men, and women —in the first rank our old comrade and friend from our ranks, SS Obergruppenfuehrer Eicke. Please be seated.")

MR. PETERSEN: The next portion deals with the extermination, I mean, with the maltreatment of Russian prisoners, Russian women. That is to be found on page 2 of the English transcript or of the English document.

(*Record.*—"One basic principle must be the absolute rule for the SS men: We must be honest, decent, loyal, and comradely to our own blood and to nobody else. What happens to a Russian, to a Czech, does not interest me in the slightest. What the nations can offer in the way of good blood of our type we will take, if necessary, by kidnapping their children and raising them here with us. Whether nations live in prosperity or starve to death interests me only insofar as we need them as slaves for our Kultur; otherwise, it is of no interest to me. Whether 10,000 Russian females fall down from exhaustion while digging an antitank ditch interests me only insofar as the antitank ditch for Germany is finished. We shall never be rough and heartless when it is not necessary, that is clear.")

MR. PETERSEN: The third extract appears at page 6 of the English document book and deals with the Jewish problem. This is on record 36 of the original.

(*Record.*—"I also want to talk to you, on a very grave matter, quite freely. It should be mentioned among ourselves quite frankly, and yet we will never speak of it publicly. Just as we did not hesitate, on 30 June 1934, to do the duty we were bidden and stand comrades who had lapsed up against the wall and shoot them, as we have never spoken about it and will never speak of it. It was that tact which is a matter of course and which, I am glad to say, is inherent in us, that made us never discuss it among ourselves, never speak of

it. It appalled everyone and yet everyone was certain that he would do it the next time if such orders are issued and if it is necessary.

"I mean the evacuation of the Jews, the extermination of the Jewish race. It is one of these things it is easy to talk about. 'The Jewish race is being exterminated' tells you, every Party member, 'That's quite clear, it's in our program, elimination of the Jews, and we're doing it, exterminating them. Why, a mere trifle!' And then they come, 80 million worthy Germans, and each one has his decent Jew. All the others are vermin, but this one is an A–1 Jew. And looked at like this, no one has been through it. Most of you must know what it means when 100 corpses are lying side by side, or 500, or 1,000. To have stuck this out and at the same time—apart from exceptions caused by human weakness—to have remained decent fellows, that is what has made us hard. This is a page of glory in our history which has never been quoted and is never to be quoted, for we know how difficult we should have made it for ourselves, if—with the bombing raids, the burdens of war and the deprivations—we still had Jews today in every town as secret saboteurs, agitators, and trouble-mongers. We would now probably have reached the 1916–17 stage when the Jews were still in the German national body.

"We have taken from them what wealth they had. I have issued a strict order, which Obergruppenfuehrer Pohl has carried out. This wealth should be handed over to the Reich, to the State, without reserve. We have taken none. Individuals who have lapsed will be punished in accordance with an order I issued at the beginning: 'Whoever takes so much as one mark of it is a dead man.' A number of SS men have fallen short—there are not very many of them—and they will die without mercy. We had the moral right, we had the duty to our people to do this, to destroy those people who wanted to destroy us. But we have not the right to enrich ourselves with so much as a fur, a mark, or a cigarette, a watch, or anything else. We do not have that. Because we have exterminated a bacterium, we do not want, in the end, to be infected by the bacterium and die of it. I will not see anything of this, not so much as a small area of sepsis, appear here or gain a hold. But wherever it may form, we will cauterize it. Altogether, however, we can say we have fulfilled this most difficult duty for the love of our people. And our spirit, our soul, our character, has not suffered injury from it."

MR. PETERSEN: If the Court please, we have translated further selections from this document—that is, from the recording—which the Court is at liberty to compare with the Document 1919–PS. Now, we have not translated all of the recording in view of the fact that I don't believe it is necessary; it would be a tremendous task.

That concludes my cross-examination of the defendant, Your Honor.

JUDGE POWERS, Presiding: Have you offered this exhibit?

MR. PETERSEN: I believe I have, Your Honor, that is Prosecution Exhibit 3507. I offer this as Prosecution Exhibit 3507.

JUDGE MAGUIRE: [Prosecution Exhibit] 3507 is the discs, and [Prosecution Exhibit] 3508 the master record.

MR. PETERSEN: Very well, we offer this as Document NO–5909A, Prosecution Exhibit 3508, that is the master recording.

JUDGE POWERS, Presiding: Has that been received?

JUDGE MAGUIRE: He offered it; I don't know what you said about it.

DR. FROESCHMANN: Your Honor, I would like to ask the prosecution whether they can prove that this record we just heard was the original record made in Poznan at that time in 1943 when Himmler spoke.

MR. PETERSEN: The recordings in question, as I stated before, were captured enemy recordings. We have, naturally, no authentication from German sources as to whether or not the speech took place.

JUDGE POWERS, Presiding: Well, I think there is enough evidence here, *prima facie*, that the voice is the voice of Himmler to justify receiving the document in evidence. There is no evidence, however, that it was delivered at Poznan or any other particular place. The discs will be received in evidence as an indication of Himmler's general attitude.

MR. PETERSEN: If the Court please, I would like to call the attention of the Court to the fact that the Document 1919–PS, of which this is an exact duplicate, expressly states that this speech was delivered in Poznan, on page 1.

JUDGE POWERS, Presiding: Well, this isn't the time for argument. Are you through with your cross-examination?

MR. PETERSEN: I am, Your Honor.

JUDGE POWERS, Presiding: Any redirect examination?

DR. FROESCHMANN: Your Honors, I am, of course, surprised that the prosecution is finished after a mere 2 hours, after having told me they would take from 1 to 3 days. I see in this abbreviation the effect my own evidence has had and do not wish to put any further questions.

JUDGE POWERS, Presiding: Are any other defense counsel desirous of asking any further questions of this witness? If not, the defendant is excused.

(The witness is excused from the stand.)

EXTRACTS FROM THE TESTIMONY OF DEFENDANT VEESENMAYER*

DIRECT EXAMINATION

DR. DOETZER: (counsel for defendant Veesenmayer): Witness, please give the Tribunal your full name.

DEFENDANT VEESENMAYER: Veesenmayer, Edmund.

Q. And your date of birth and where were you born?

A. 12 November 1904 in Bad Kissingen.

Q. Be good enough to give us a brief and concise description of your career up to the time the indictment charges you.

* Complete testimony is recorded in mimeographed transcript, 21–23 July 1948; pages 13062–13126, 13214–13327, and 13426–13460.

A. I grew up in the Allgaeu* where I also went to school. After 1920 I finished High School [Realschule] and graduated and went to Munich to attend Oberrealschule in Munich. I was then 15½ years of age—that is, from that age on I was, practically speaking, standing on my own feet because both the 3 years spent in the Oberrealschule, as well as the years devoted subsequently to my study, were financed by my own hands' work. In 1923 I graduated and then went to Munich University. In 1926 I passed my examination as graduate economist and these years of study were substantially filled by practical work that I carried on. For over a year I was employed as a worker in an iron factory, as an iron and steel foundry worker. I worked as a fireman on a locomotive and I could list various other professions, twelve altogether in number, but I will not do so in order to save your time, Your Honors. In 1928 I graduated as doctor from the University and I became a research worker and assistant in the Technical University in Munich. This Technical University had a section for economics and I was assistant in that section for political sciences and political economy and, after 1 or 2 years had passed, I was also entrusted with the library of this institution and then various assignments were given me. In 1932 the first lecture was held by me. In 1933 I received various assignments for lectures to be given in commercial politics, financial science, and similar scientific special problems and fields, particularly also with reference to the field of insurance. In 1932, as far as I remember, it was the first time that I met Mr. Keppler and this first meeting, first of all, developed into a relationship of coworkers which was only temporary at first. While university vacations were on he invited me to come and see him for a few weeks on one or two occasions and from our further work together, I think it was at the end of 1933 there resulted the request made by him to me to go and join him altogether on a permanent basis and to become, so to speak, a practical aide and assistant to him, my actual title being that of a Referent, which title I carried for 10 years officially but never made any use of. I deliberated for quite a long period of time whether to take this step because I had a certain affection for the University as well as for the academic freedoms that still existed at that time. They were very attractive to me. On the other hand, the dynamics of the time drew me more into the field of practical work as compared with the scientific and thus it came that I, so to say, made a fifty-fifty compromise at first, if you will permit me to say so. I first of all went to Keppler, then I returned to the University. For many months

* Mountain district in southwestern Bavaria (Swabia).

I split up the weeks, part being spent in Munich and part in Berlin, but the work didn't permit this to go on for any length of time and I was able to settle the matter by the following: I received teaching assignments in the University of Economics [Wirtschaftshochschule] in Berlin which I was able to render more compatible as far as time was concerned with the work I was giving to Keppler too at the same time. From 1933 to 1944 I stayed with Keppler, with the exception of very short intervals which are really not important at all as far as their length is concerned. I experienced the ups and downs that Keppler experienced as a faithful follower. In 1944, specifically in March of that year, I was made German Minister in Hungary, this being a post which already at that time was designated as being a lost job. I fulfilled my duty there right up to the very bitter end. On 14 May 1945 I became an American prisoner of war and, as an American prisoner of war, I was subject to rather fluctuating destinies right up to this very day.

* * * * * * *

Q. When did you join the NSDAP?

A. On 1 February 1932.

Q. You were a member of the NSDAP therefore right up to the collapse?

A. Yes.

Q. Did you hold any office in the NSDAP or did you have any title or rank? Did you belong to the Political Leadership Corps, by any chance?

A. No. I was always just a simple Party member.

Q. Why, Mr. Dr. Veesenmayer, did you join the NSDAP?

A. On the basis of conviction.

Q. But you were a Catholic. Therefore, you were tied down by your religious beliefs. Did you perhaps leave the Catholic Church?

A. No. I was always a faithful member of the church. I never left the church.

Q. According to your statements, from 1933 and 1934 right up to 1944 you were Referent with the defendant Keppler. Were you an official with permanent status during that time?

A. No.

* * * * * * *

Q. Referring to item 4 of your affidavit, introduced as Document NG–1628, Prosecution Exhibit 10,* in document book 1, I gather that you were drafted for service into the Foreign Office. When did this take place?

* Not reproduced herein.

A. At the outbreak of war I was drafted for service with the Foreign Office.

Q. Please be good enough to explain what this emergency draft meant?

A. At the start of the war the police presidents, say for example at the instigation of the chief of an agency, had the authority to pronounce a so-called emergency conscription. This did not involve a military conscription but a civilian form of conscription. I might be inclined to call it a civilian conscription order and every civilian was bound to obey such order. Any civilian who failed to do so—that is, failed to comply with this emergency draft—was subject to serious punishment and could even be assigned to a concentration camp as a result. In my case, this emergency draft order was pronounced by the Foreign Office.

Q. After this emergency draft order was pronounced, after 1939, did you continue to be employed on a permanent basis in the Foreign Office?

A. No, only at first. That is, while this emergency draft order was in effect. I was working as a special deputy on the staff of Ribbentrop approximately for about 2 to 3 months.

Q. And in what manner did you terminate this activity?

A. I didn't like this adjutancy and I didn't disguise my dislike either in any form. Ribbentrop came to hear of it and, of course, he noticed it too and he suggested to me to become a regular official of the Foreign Office. As a matter of fact, he actually desired me to do that, but I turned this suggestion down and thus the regular and standing draft order was maintained and I, on my part, wasn't able to have this order rescinded because Ribbentrop refused to release me.

Q. Dr. Veesenmayer, but you did leave the staff of Ribbentrop?

A. Yes.

Q. What was the reason for your leaving Ribbentrop's staff?

A. The special assignment that I held at that time on the staff of Ribbentrop concerned questions of propaganda, this being a matter which I didn't like at all, in addition to everything else, and thus, within the framework of the duties imposed upon me that I had to fulfill at the order of Ribbentrop, I had once submitted a draft for a leaflet. I still remember the matter very well. The contents of the draft was an excerpt from the writings of Bernard Shaw. A short time after this had been submitted, a surprising session of all the propaganda Referenten of Ribbentrop took place and, on that occasion, Ribbentrop raised very serious reproaches against that person who had drafted the leaflet under consideration. I reported to him, saying that I was the

man involved and I told him that he approved the leaflet in answer to my submitting it to him at the time involved. This approval was made by a so-called green R. That is, the letter R, written with a green pencil. Thereupon, in the face of all people present, he called me a liar and I wasn't going to take that. Without saying a word, I left the room and the men present were most dismayed at my conduct. I went over to my office, and fortunately enough I was lucky in finding the original of the draft, showing Ribbentrop's approval on it. I took it back into the conference room and submitted it to Ribbentrop in the same manner, without saying a word to him, just putting it on his desk. Thereupon I again left the room and took my hat and coat and left the Foreign Office. Nothing took place subsequently as a result. Ribbentrop didn't offer any apologies to me, but he didn't release me either. Still I was able to leave the staff of Ribbentrop nevertheless, and I returned to Keppler.

* * * * * * *

Q. Did you ever take part in a directors' meeting or press conference of the Foreign Office?

A. No.

Q. Did you perhaps belong to the closer circle surrounding Ribbentrop—the circle that we heard described here by Ambassador Gaus?

A. No, in no manner whatsoever.

Q. Did you ever take part in any conference that took place between Hitler and Ribbentrop or any other high Party functionaries of the government?

A. No, never.

Q. Dr. Veesenmayer, did you belong to the closer circles surrounding Hitler?

A. No.

Q. Did you enjoy Goering's confidence, Himmler's confidence or that of Heydrich, Kaltenbrunner, Bormann or Keitel—the confidence of Reich Ministers and State Secretaries?

A. No. I only enjoyed Keppler's confidence.

* * * * * * *

Q. When did you again go back to Hungary?*

A. On 19 March 1944, in my capacity as Minister.

Q. How did this come about?

A. It must have been approximately February 1944 when the Hungarian Regent Horthy had addressed a letter to Hitler, in which he had demanded that the Hungarian divisions, which were

* In earlier testimony, here omitted, the defendant testified that he had twice before been in Hungary upon orders of von Ribbentrop, first in March or April of 1943 (*Tr. p. 13098-9*) and again in the "late fall of 1943" (*Tr. p. 13105*).

stationed on the Eastern Front and in part also in the rear area behind the Eastern Front, were to be recalled, and I think that the reason he gave was certain tension existing with Rumania. However, as far as the latter statement is concerned, I can't state that for a positive fact any longer. I had anticipated a similar course of development, and I had already indicated such a course of development in that report already available in evidence here, whereas in my second report I had already stated quite clearly that this course was to be expected. Furthermore, there is an important report available here, a report emanating with the SD intelligence service dated January 1944. The document number is Document NG–3388, contained in my defense document book, Document 218,* document book 4. This is a report which was received by the Foreign Office, 9 February 1944, and which gives a very clear description of the situation. There is no doubt that this was a good achievement, both of the intelligence service, which had taken up the matter, as well as of the author himself, who was a Hungarian. Then subsequent to this letter, and after a certain interval of time, specifically on 19 March 1944, there resulted the discussion between the Hungarian Regent Horthy and Hitler in Schloss Klessheim near Salzburg, which conference has repeatedly been mentioned here before.

Q. Did you take part in these discussions?

A. No.

Q. After the conferences had terminated, were you informed by the Reich Foreign Minister Ribbentrop of the results of the conference?

A. No. That didn't take place either.

Q. When did you first hear that you were to go to Hungary as Minister?

A. The definite decision was made exactly 1 hour before the train left which was to take Horthy back to Hungary. I was ordered to come to the train. It is correct to say that one occasion earlier there had been mention that it might be proposed to send a new Minister to Hungary. But this was canceled subsequently and a different solution was proposed at the time, and subsequent to that this different solution also was canceled, and

* This was a report of the Chief of the Security Police and SD in Berlin, which was addressed to the Foreign Office. It transmitted an intercepted intelligence report of 26 October 1943 from a retired Hungarian general, Moritz von Fleischmann to the Hungarian Regent, Horthy. After summing up the military situation, the intelligence report recommended that Hungary choose an opportune time to withdraw from military and political collaboration with Germany, and by this means "possess at the end of the war a comparatively small but intact army which eventually would be available to the Western Powers for use against the Soviet Union as well as against Germany, a fact which might be of the greatest importance in view of the general chaos to be expected at the end of the war." This exhibit is not reproduced herein.

practically speaking the decision actually came simultaneously with this conference and as a result of the conference.

Q. Before you left in the special train carrying Horthy, did Ribbentrop give you any instructions?

A. Yes and no. Yes, inasmuch as, and I have already referred to this, he gave me the order to appear at the special train, and going up and down with me in front of the train for perhaps 10 minutes he told me first of all that I was to go down to Hungary as a Minister; and second, that it was going to be my task to see to it that an agreement which had been reached between Hitler and Horthy was carried out and I was to contribute my efforts, inasmuch as a new Hungarian Government was to be instituted, which government was to have a positive orientation toward Germany. And he also told me on that occasion, in answer to my question as to what actually resulted from the discussions—after all, I had to know what went on—all he said was, "I haven't got enough time now. SS Lieutenant General Kaltenbrunner,* by special order of Hitler and Himmler, is also going along in the same special train. He has been given special assignments for Budapest." He was also present at the discussions involved and Ribbentrop said, "Kaltenbrunner will probably inform you." He continued to say that there were a number of other duties in addition, and there were a number of higher officials of the office who would be sent by him to Budapest to fill those assignments—so-called special envoys in the capacity of Minister, and then there were a number of technical matters which he instructed me on to the effect that there was to be direct communication between Budapest and his field headquarters, which absolutely had to be set into operation. I also remember that in Linz, Linz being a city located approximately 100 miles from Salzburg where we had a longer stay, Ambassador Ritter telephoned me and he also, by order of Ribbentrop, gave me a number of instructions. Among other things he told me that until further notice all incoming telegrams or communications were to be transmitted via Ambassador Ritter to the Minister. In conclusion, and I remember this very well indeed, he added that I was going to have an SS escort unit accompanying me, which was to care for my physical safety, and I very well understood what he meant to convey to me by that remark, because it wasn't he who was authorized to give orders to this unit but this originated with Himmler and Hitler personally. To a certain extent, from that hour on I was a prisoner. I don't want Your Honors to misunderstand me. Later on in due course

* Kaltenbrunner, after 30 January 1943, was Chief of the Security Police and SD, and Head of the Reich Security Main Office (RSHA), in both positions being directly subordinate to Himmler.

I shall have to refer to this matter once more, but there wasn't one step that I was able to undertake freely and unobserved without having one of these escort guards near me.

Q. You had no jurisdiction to issue orders to this escort unit?

A. No. Not only did I have no jurisdiction to issue orders, but I had no control either. These men, of course, were fulfilling their duty, that is clear. They had been given their orders, and they had to obey their orders. However, the chief in charge of this unit told me, in unambiguous language, that as far as factual matters were concerned they were not to accept any orders from me. As far as I was concerned, and seen from a purely humane point of view, this situation was bad because I am a libertarian by nature and force is something which I dislike. I only know such force that I impose upon myself, driven by my feeling of duty and conscience, but all other force is something which I am inclined to disregard and which induces me to commit insubordination, a fact which I hope I shall confirm and corroborate in due course in my further testimony.

From that moment onward it was clear to me that I had taken over a very bitter duty indeed and that, practically speaking, I was the victim of a controversy existing between Ribbentrop and Himmler. I was the scapegoat. I remember my own reaction. When all the many congratulations were offered me, which is customary when a man is appointed to the office of Minister, I turned them all down because I had the vague feeling that I was encountering a very hard time, a fact which was actually corroborated later on.

Q. Did Ribbentrop also tell you who had been against your appointment as Minister?

A. Yes. He told me that unambiguously. I heard from his own mouth that Himmler, Bormann, and he himself had been opposed to my appointment, and that it had been the intention of these three men to suggest to the Fuehrer the person of the then Gauleiter of the Gau Lower Danube, Dr. Jury,* this region being a Gau extending from Vienna towards the Hungarian frontier. He was a man who, doubtlessly, being an Austrian of long standing, would have had a good knowledge of the Hungarian situation.

Q. Witness, you stated that in Linz you received a telegram from Ambassador Ritter.

A. No, no, I said a telephone call.

Q. All right, you received a telephone call from Ambassador

* Jury was one of the leaders of the Nazi Party in Austria before the Anschluss. See particularly Document 812-PS, Prosecution Exhibit 15, reproduced in volume XII, section VI C, and Document 4005-PS, Prosecution Exhibit 32, reproduced in part in the same section.

Ritter in Linz, according to which all telegrams were to be transmitted by you to Ribbentrop via Ambassador Ritter.

A. Yes. That is correct.

Q. Was it in Linz that you received this instruction for the first time, or did Ribbentrop already give you this instruction in Salzburg, in the train, to channel all telegrams to him via Ambassador Ritter and did he also give you the reason?

A. I am unable to give you a very definite answer any longer, but he must have given me some hint himself too, because there was mention of the fact that, in connection with the military occupation of Hungary which was taking place simultaneously and perhaps resulting by necessity, therefore it was necessary to accelerate the speed with which Ambassador Ritter was to be informed, he being the liaison man, or whatever you may wish to call it, between the Foreign Minister and the OKW for such questions. However, I cannot be positive any longer in answering this question, unfortunately, but he must have given me some hint or other because I do remember something to that effect.

Q. You mentioned the SS escort unit which had been attached to you. What was the strength of this unit? Were there two men, or how many men?

A. There were twelve men. Later on, after much trouble, I was able to achieve a reduction of the force to six men.

Q. Let us now revert once again to the special train. Was it in the special train that Kaltenbrunner informed you of the results of the discussions held between Horthy, Hitler, and Himmler?

A. Yes, Kaltenbrunner was quite well informed. He knew that Ribbentrop had given me the order to contribute my efforts in having a Hungarian pro-German Government instituted. However, apart from that and beyond that, he knew very much more; that is to say, he knew that Field Marshal Weichs* was to be in charge of the military operations, and he also mentioned that he—he being Kaltenbrunner—had received a special assignment in questions involving security in Hungary, the details of which special assignment he did not discuss. We then came to discuss the question of the establishment of a new government, and he asked me what persons I had in view as members of the government, whereupon I told him, Imredy and Bardossy. Kaltenbrunner was of a different opinion. He went along the lines of the so-called Hungarian National Socialists, which was actually a very small and unimportant party, and people like Balky, Endre Kubay, Duprecht, and similar names were the most important representatives. He endeavored to induce me to come over to his

* Maximilian von Weichs was indicted in the Hostage case, Case 7 (Vol. XI, this series). However, for reasons of physical inability to stand trial, his case was severed.

line of thought but I turned it down because there was no doubt that Imredy and Bardossy were well known and recognized personages, both of whom, moreover, had been Minister Presidents before the outbreak of the war, and also Foreign Ministers. For a long time Imredy had also been President of the Hungarian Bank. Imredy was considered as a financial expert of international reputation. On the other hand, the people belonging to the National Socialist Party were people I didn't know at all. Therefore, first of all, they didn't mean anything to me; and secondly, surely I would have heard more of them on my two trips to Hungary if they were really worthy of having a greater weight attributed to them. Later on, in my subsequent testimony, I will be compelled to make some more references to this subject but for the time being I think I may confine myself to what I have just said. There was quite a sharp exchange of words between Kaltenbrunner and myself, but we both insisted upon maintaining our points of view and we separated.

Q. For the sake of greater clarity, Witness, please tell us this. Were these Hungarian National Socialists, named to you by Kaltenbrunner, identical, perhaps, with the "Pfeilkreuzler" or the "Arrow Cross" movement, or was that another thing?

A. No, the Arrow Cross movement was another movement altogether. They were not identical. I will refer to that later on.

Q. Were you given any written plenipotentiary power?

A. No.

Q. Was Kaltenbrunner subordinated to you, or was he attached to you or did he have to guide himself by your political policies?

A. No. Nothing of the kind. It was unthinkable, that is, the idea that a man who held such a high function in the hierarchy of the Third Reich would be subordinated or attached to me in any form.

Q. Was Kaltenbrunner in Hungary merely in the days following 20 March?

A. No. Later on, I think at the end of the month—I am not sure when this took place—he came back again and he subsequently came to Budapest again repeatedly.

Q. Did he come to see you in the Legation?

A. On one occasion, yes, but then never again. In most instances I was only informed subsequently of the fact that he had been in Budapest.

Q. Do you know the Hungarian agencies with whom Kaltenbrunner negotiated and upon what he negotiated?

A. I did not have any exact information on that subject but I was told, on the part of the Hungarians, that he had been ne-

gotiating with the Hungarian Ministry of the Interior on repeated occasions.

* * * * * * *

Q. Did Horthy notify you as to whom he desired to have appointed as Hungarian Minister President?

A. Yes, he told me that it was Sztojay, up to that time the Hungarian Minister in Berlin, was the man whom he had picked and he asked if I would inquire in Berlin or in field headquarters, as to the attitude of the Reich government toward Horthy's suggestion and also inquire whether they would approve his suggestion.

Q. What did the Reich Foreign Minister say in answer to that?

A. First of all, the attitude was negative and I myself deliberated at great length but in the end I decided to plead with Ribbentrop in favor of Sztojay's candidacy, because, above all, I thought that this would be an assurance to Horthy that his wishes were being fulfilled; and I thought that this would be a better basis for future joint collaboration.

Q. Did the Reich Foreign Minister stipulate certain reservations when he approved of Sztojay's being appointed as Hungarian Minister President?

A. I wouldn't speak of reservations but actual terms were stipulated. I still remember the following terms: first, the deputy Minister was to be Raatz; and, above all, the German military, required that Csatay, who was then Hungarian Minister [of War], was to resign, to make room for another man; and the third condition was that at the specific demand of Himmler, the post of the Minister of the Interior was to be filled either by Endre or by Baky. Under those terms and conditions the Reich government was willing to approve of Sztojay's candidacy.

Q. Who was Baky?

A. I believe that Baky was a high police official; and Endre held the function of a government president, of the largest administrative district in Hungary. I think it was already in 1937 that he had been elected to that post, and there is no doubt that he boasted of a not inconsiderable following.

Q. Were the terms stipulated by the Reich government actually fulfilled by Horthy?

A. No. Condition No. 1 was fulfilled, as far as Raatz was concerned. Conditions No. 2 and No. 3, referring to Csatay, the Honved Minister, and Endre or Baky to fill the post of the Minister of the Interior—these conditions were not fulfilled; and a very substantial exchange of telegraph and telephone communications took place in which I over and over again advocated

to the Reich government to yield, so that finally Ribbentrop and the other responsible agencies decided to approve. However, at the same time, I was given to understand very clearly that I was fully responsible for my intervention in that regard.

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Q. Was any plenipotentiary power given you later on?

A. Yes. I did receive plenipotentiary power but when I received it I am not able to say. But quite a period of time elapsed. From this plenipotentiary power it wasn't expressed very clearly that in political respects Winkelmann[1] was subordinate to me, but simultaneously with the date when I received these plenipotentiary powers I heard that Himmler had protested against the issuance of these plenipotentiary powers, and furthermore I also heard and later on I had this personally confirmed too—that Ambassador Gaus, who is well known here, had been ordered by Ribbentrop to conduct the necessary negotiations on that subject with Himmler in order to bring about unity between Ribbentrop and Himmler in connection with these plenipotentiary powers to the greatest possible extent. These powers that I was furnished at that time are probably identical with the power introduced in this trial according to prosecution document book 62–A, your Honors, Prosecution Exhibit 1806, Document NG–2947.[2]

DR. DOETZER: Your Honors, the page is 72 of the English. Was this political subordination actually borne out in practice?

A. No, never, and in no way. I attempted to effectuate it, the concept of political subordination offers a certain margin of action and at first I actually did have the impression that Winkelmann was going along and would confine himself to pure matters of security. But I think that even if he had wanted to, in view of the directives which Himmler subsequently gave him, he would have been unable to do it. Winkelmann's office was quite a distance from the Legation. Winkelmann had his own apparatus, his own broadcasting station, his own channel of command; there was actually nothing whatsoever in this respect which he would have had jointly with the Legation.

With respect to the political coordination between him and myself, we tried that out too; there were some few incidents where we were successful, it is correct, but these cases were the exceptions to the rule. Generally speaking, here too his directives were so opposed to my own political line that the resulting conditions were unbearable, conditions which known to any outsider who lived in Hungary at the time. It was a generally known fact—and it was so spoken of—that the Reich had two

[1] Higher SS and Police Leader in Hungary.

[2] Reproduced earlier in this section.

representations in Hungary, and the Hungarians were smart enough to exploit this discrepancy politically in their own behalf. I myself would have done the same thing in their place. But there ensued ever-increasing discrepancies, and to speak of any subordination, or only to speak of any coordination was practically, unfortunately, out of the question. Many things might have been done better than they were done.

Q. The plenipotentiary powers introduced here in evidence—were they at least maintained on paper or were they canceled too?

A. I don't know what the reason was exactly but I will refer to this later on, in connection with the discussion concerning the turning over of my letters of credentials to Horthy; and I think on that occasion I was also notified that the plenipotentiary powers in effect until then were canceled, inasmuch as they referred to my relationship with Winkelmann. New plenipotentiary powers were supposed to be sent to me but I never received them. And I remember later on, when I discussed this matter with Ribbentrop subsequently, he very laconically said: "Well, you have to go your own way." And that is what actually happened. Nothing further was done, and, honestly speaking, I had no very special interest any longer in receiving any plenipotentiary powers after the experiences I had. After all it would have been no use to me anyway. I might have been furnished the most marvelous plenipotentiary powers but it would have made no difference, because the decisive thing in these questions was the practice that prevailed; the practice that prevailed was not the relationship between the Higher SS and Police Leader and the Minister who held the ministerial post at the time, but the decision lay with Hitler, and it lay in the relationship between Himmler and Hitler, and Ribbentrop and Hitler, and it was based on the relationship between Ribbentrop and Himmler. That's where these matters were decided. All that we felt were the after-effects, and we had to bear the burden that there was no harmony and no correlation at the top levels.

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Q. Now, what happened in regard to the Jewish question in Hungary?

A. First of all I beg to refer to Prosecution Exhibit 1806.*

Q. Document book 62, page 72 of the English, Your Honors.

A. In this exhibit it is literally said that the Jewish question is a matter pertaining to the jurisdiction of the Higher SS and Police Leader. Of course in view of the wording of the plenipotentiary powers that I held at that time, I would have had a

* Document NG–2947, reproduced earlier in this section.

certain possibility to try, via my political jurisdiction, to exercise an influence in the handling of this question too. But in view of the power complexes that existed, and any person who is acquainted with the practice that prevailed knows it, this was a futile attempt from the very start. A futile attempt I say, because here again at variance with the language contained in the plenipotentiary powers, Winkelmann, on his part, didn't have any jurisdiction, or perhaps only had a certain condition disciplinary jurisdiction, as there was a certain so-called special unit [Sonderkommando] Eichmann which had been sent down from Berlin which was responsible for dealing with these questions within its own sphere of jurisdiction and responsibility, and compared with this special unit I had no means whatsoever and no chance of exercising any influence.

Q. Dr. Veesenmayer, in your capacity as German Minister, were you accredited with the Hungarian Government and the Hungarian Regent Horthy?

A. Yes, approximately, in the middle of April in the customary ceremonious manner, I transmitted my credentials. This takes place in a very ceremonious manner in Hungary. There were four or five higher executives accompanying me, from my Legation, and my superior agency had given me an exactly prescribed draft of instructions concerning the short speech which I was to hold on that occasion, a speech which I literally read to them word by word as prescribed. This speech was drawn up by Ambassador Gaus.

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I now pass to Prosecution Exhibit 1811, Document NG–2233,[1] page 89 of the English; and Exhibit 1814, NG–2061,[2] page 147 of the English.

Q. What have you to say about that?

A. These three telegrams are messages for information concerning the state and condition of the transports of Jews to the Reich. I have already stated that I had to report about everything that went on in Hungary, and so I did this in accordance with my duty. The documents were given me by Hetzinger and later it was his successor Grell. My deputy Feine submitted them to me, whereupon I would sign them and have them passed on.

Q. At the end of your telegram, Prosecution Exhibit 1811, you say that you consider the Jewish plan to be the right thing. How is that meant?

[1] This exhibit includes a telegram of 23 April 1944, from Veesenmayer to the German Foreign Office. It is reproduced earlier in this section.

[2] This exhibit includes two further telegrams from Veesenmayer to the German Foreign Office, transmitted on 2 and 20 May 1944, respectively. This exhibit is not reproduced herein.

A. Well, Ribbentrop had told me often enough and had absolutely demanded that sentence. I, of course, had my own opinion and I not only expressed it but proved it, that they were of a different nature. However, there comes a point where, if only temporarily, one has to lie low, however much one dislikes doing it and there was nothing I could do to change it.

Q. And what was the attitude of the Hungarian Government as to these matters?

A. I have mentioned that in another connection and I can show how they belong together. Horthy approved of the affair. The Hungarian Government issued orders and laws about it, and the entire execution lay only with the Hungarians themselves. That clearly outlined the Hungarian attitude.

Q. Do you know for certain that the witness Horthy, who testified here, approved of these measures?

A. Yes, very much for certain. I may mention, Professor Kempner, as a witness that in all preliminary interrogations I refused to testify about Horthy. For some reason it went against the grain with me and against my principles to say anything against an aged statesman and in this case I would have had to give incriminating testimony. I would have adhered to this standpoint. I had made up my mind to do it but since the prosecution has now called Horthy* as a witness against me, I feel that I am released from that thing that I had promised myself, and I will state the facts as they really were. What really happened was that I talked to Horthy and Horthy himself told me that he was interested only in protecting those prosperous, the economically valuable Jews in Budapest, those who were well off. However, as to the remaining Jewry—and he used a very ugly term there—he had no interest in them and he was quite prepared to have them go to the Reich or elsewhere for labor. He approved that; and he did not approve it after a demand made by me but he approved it after agreements and discussions with his premier and his ministries. The fact has been proved that he later—at first he moderated the deportations, and then later stopped them. Somebody who forbids something later on, must have given permission for it earlier.

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Q. Dr. Veesenmayer, did you have any further negotiations with Horthy and Sztojay and Lakatos concerning the Jewish questions, over and beyond the discussions that you have already referred to previously?

* Horthy's testimony is recorded in the mimeographed transcript, 4 March 1948, pages 2702–2750.

A. Yes, several directives were received that I had to carry out, and the Hungarian statesmen spontaneously of their own accord, on several occasions, directed discussions themselves to this same subject matter.

Q. Do you know how often you still spoke with the Hungarian Regent Horthy after that?

A. If I remember correctly, I spoke with him on two occasions. In the one case this was at a time when Horthy notified me that he had instructed his Hungarian Ministry of the Interior to have a number of 10 to 20,000 Jews given the status of so-called "privileged Jews," or "Schutzjuden." These were Jews exempted from all restrictions that may have been imposed upon their standard of living. It was not necessary for them to wear the Hungarian Star of David, and so on.

That was the one occasion. And the second occasion—I remember that he told me one day that he had issued the order to have the constant deportations that were taking place cut down to a more lenient level, and he determined the maximum figure of the Jews who were to be transported in one single railroad coach. He prescribed the quantity of food that they had to be given to take along with them to cover the requirements of the journey. In short, there were a number of provisions that he ordered, which placed the deportation of Jews on a much more humane basis than had hitherto been the case.

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Q. Did you have any discussions with Lakatos?

A. As far as Lakatos was concerned, the situation was slightly different because at this time the deportations of Jews had been discontinued a long time before by Horthy. In connection with this matter there were military deliberations which arose in the foreground.

First of all, the vicinity of the front line. Second, the existence of at least over 100,000 draft-age Jews in Budapest. And in this instance both the Germans as well as the Hungarian military men pointed out the danger of a possible revolt breaking out in the event that the front lines were broken through. And in view of the fact that Lakatos himself was a soldier—he had been an army commander before he had been a Minister President, and he had been at the front before becoming a Minister President. He was one of the very few people—if not the only Hungarian army leader—who had the Knight's Cross of the Iron Cross bestowed upon him by the Fuehrer. I had to contact Lakatos in order to request him to see to it that these Jews were distributed over the western area of Hungary, were to be assigned to labor

camps, or to be distributed in some other form in order to avoid this dangerous concentration of power in Budapest.

Q. Did Lakatos actually comply with your request?

A. He did to me but not in practice.

Q. Therefore, under the government of Lakatos no deportations of Jews took place, not even within the Hungarian area?

A. No. I already previously referred to the fact that the evacuation of Jews had already been discontinued, even before he took over.

Q. Thank you; that is sufficient.

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CROSS-EXAMINATION

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DR. KEMPNER: We now come to your policy toward the Regent Horthy, about which the two of us are of quite different opinions, and that is why I am asking you the following questions. Is it correct that in April 1944 you received the assignment from your superiors in Berlin, or wherever they happened to be in Fuschl for sure, to work with the aim of getting Regent Horthy kept away from government business, pushed into the background, and gradually isolated in the castle, is that correct?

DEFENDANT VEESENMAYER: Yes. Now, because you use this formulation, I remember a similar assignment.

Q. Just to refresh your memory, I submit to you Document NG–5574, which I ask to be marked for identification as Prosecution Exhibit 3701.*

PRESIDING JUDGE CHRISTIANSON: The document is given identification number 3701.

DR. KEMPNER: And, in order to identify it further, may I say that it is a cable from Fuschl, the headquarters of Ribbentrop, to Mr. Veesenmayer, with the contents I just discussed.

DEFENDANT VEESENMAYER: May I make a very short remark?

Q. Well, read it first and then make your remarks. Have you read the document?

A. Yes.

Q. And it contains instructions to you?

A. Yes.

Q. Do you remember it now?

A. Yes. Quite honestly, I had forgotten these matters because I often got 20 assignments a day and in the course of a month I would get assignments which contradicted each other.

Q. Have you anything further to say about this instruction which you received?

* Reproduced earlier in this section.

A. Yes. I would like to point out that I believe that in my direct examination I proved what, in practice, I would do when I got such an instruction. Again and again, as in my early Hungary report, which is submitted here, I pointed out the special importance of the Hungarian Regent in the hierarchy of the State; and I always stood up for Horthy and not against Horthy, and I think that was put in writing at the time; in general I liked to stick to my line and be true to myself as far as possible.

Q. Now, is it correct that for a time it looked as though Horthy would follow your line in April and May 1944—that it looked that way? Is that correct?

A. I think I had sent reports that I had succeeded in making not only purely official contact with him but that I had paved the way for certain human notes, to put it very carefully. That was what I was trying to do, anyway.

Q. And now came July 1944. Is it correct that after the old admiral had got over his first fright and his advisers had again rallied around him, that he suddenly tried again to stand up against the German Reich and to be more independent, is that correct?

A. I think you have quoted almost literally from a telegram of mine. I think I can remember having made such a report.

Q. Is it correct that you had the old gentleman "on the carpet," to use a German expression, and said, "This won't do, old man"?

A. The old gentleman was 75 and I was not even 40 at the time, so as for my having him "on the carpet," I hope you will interpret that in the light of my having used all courtesy.

Q. At that time, Mr. Veesenmayer, did you put it to him that in the Jewish question he was not doing what the Reich wanted and that without the help of the Reich he would never be able to get the Jews out of Hungary?

A. On direct examination, Professor, if you remember, I already indicated that several times I had instructions to talk to the Regent in connection with this question, always bearing the viewpoint of the approaching front, and the increasing dangers resulting from it.

Q. Did the Reich, through you, take particular offense because Horthy had the Ministers arrested, or wanted to have them arrested—the Ministers and State Secretaries of the Sztojay government who wanted to carry out the anti-Jewish measures?

A. Yes. That is correct. As they were personalities who were so-called proteges of Himmler, I was under particularly heavy pressure, through the Reich Foreign Minister because he, Ribbentrop, did not want to appear as a weakling *vis-a-vis* Himmler, and I had to suffer the consequences.

Q. To make sure that we understand each other clearly, Horthy had his own Ministers or State Secretaries arrested because they turned against the Jews and had Jews arrested, is that correct?

A. May I improve it a little, according to my view? Horthy, under the influence of the changing luck of war, suddenly dropped Ministers and State Secretaries whom he himself had appointed and sworn in, and wanted to have them arrested. That is my view.

Q. On 13 July 1944, did Horthy tell you: "I haven't the faintest intention of doing the things to the Jews that the Reich asks me to do. The Holy Father has written to me from Rome; the King of Sweden has written me; the King of England has written to me, through someone else. I don't like this blackmail by the Reich, that I am to do something against the Jews." Did he tell you that?

A. I think I reported to the Foreign Office, on order of the Regent, to this effect.

* * * * * * *

Q. Is it correct, Dr. Veesenmayer, that you reported to Berlin at the end of April 1944, that two transports, each consisting of about 2,000 men and women fit for work, had been sent off, and that the people were on their way to Auschwitz?

A. That is quite possible. Many such reports brought me by my assistants were passed on by me because I was supposed to make a lot of reports. I do not know what this specific report is but I emphasize, since the name Auschwitz is brought up here, I really did not know what Auschwitz was—what really went on there. It was a name for me, which could just as well have been any other name. I can assure you of that and I had no idea where in Hungary this Auschwitz lay, because on the Hungarian maps it is called Ossowicce, or something of the kind.

Q. It was in so-called Reich territory—in an area which at that time was Reich territory, and not Government General.

A. I still don't know that. I think that is a debatable point. I think it used to be Poland. But I really can't say.

DR. KEMPNER: May I ask the Court that Document NG–5535 be marked for identification as Prosecution Exhibit 3705.* This is a cable by Mr. Veesenmayer, with a long distribution list, informing the Foreign Office that 2,000 Jews were sent to Auschwitz in April 1944.

PRESIDING JUDGE CHRISTIANSON: The document will be given Identification No. 3705.

DR. KEMPNER: Do you remember—

* Reproduced earlier in this section.

DEFENDANT VEESENMAYER: May I say I would just like to point out that this is the Honved Ministry. That is just a part of these 2, or 5, or 10 thousand that have already been mentioned.

Q. Is it correct, Dr. Veesenmayer, that in April 1944 certain difficulties arose—whether these Jews should be sent through Slovakia, that is, to Auschwitz, or whether it would be better to do it through the remainder of the other Reich territory?

A. Yes, there was some incident and I intervened, just like the Legation in Slovakia. An investigation was started and I think representations were made by the German Legation in Slovakia, because of the possible depressing effects, or something of the kind. I am sure there was something.

* * * * * * *

Q. Tell me, Dr. Veesenmayer, is it correct that you reported to the Foreign Office that as a result of these Hungarian measures becoming known in Hungary among the people concerned, the Jews were beginning to flee in masses to Slovakia?

A. That was reported to me and I had to pass on the information. That is, it changed. At first they came to Hungary from Slovakia, and then it changed and then they went to and from Rumania, and there was a permanent fluctuation, which is hardly surprising in view of these much tormented people.

* * * * * * *

Q. Now, another question. Is it correct that up to 17 June 1944, 326,000 Jews had been deported from Hungary?

A. It's quite possible. I don't have the exact figures in my head. I received current reports giving the figures at any given date. In many cases police reports were available which also contained the figures.

Q. That is right. This is also from a police report.

DR. KEMPNER: I ask the court for identification number 3713 for Document NG–5567,* a report from Mr. Veesenmayer to Ambassador Ritter about the figure 326,000 Jews deported from Hungary by that date.

PRESIDING JUDGE CHRISTIANSON: The document will be given identification number 3713.

DR. KEMPNER: Is it correct, Dr. Veesenmayer, that on 30 June 1944 the big Jewish scheme which had been planned had to be postponed because the Regent Horthy had objected to the Ministers concerned and said, "nothing doing."

* Document NG–5567, Prosecution Exhibit 3713, reproduced earlier in this section.

DEFENDANT VEESENMAYER: His own competent Ministers, yes, that is right. He testified to that himself here, and I can confirm it, and I reported about it. That is correct.

* * * * * * *

Q. Dr. Veesenmayer, do you remember that in July 1944 you drew the attention of the Foreign Office in Berlin to the fact that you were constantly told to exert pressure of the Hungarian Government to take severe measures against the Jews, while in Slovakia and Rumania the Jews were allowed to escape, and you said that this can't go on in Hungary if they have the excuse that in Slovakia and Rumania the Jews can still escape, and you wanted instructions? Is that correct?

A. I can't remember the exact text, but it was, I think, something to that effect.

DR. KEMPNER: May I ask the Court, if Your Honors please, for identification number 3715 for Document NG–5586,* a telegram of Mr. Veesenmayer of 11 July 1944, in which he wants to have straightened out the discrepancies in the deportation of Jews existing in the various Balkan countries.

PRESIDING JUDGE CHRISTIANSON: The document will be given identification number 3715.

DR. KEMPNER: Dr. Veesenmayer, we now come to October 1944. I would like to ask you, is it correct that in October 1944 all Jews had still not been deported from Hungary, and that at that time negotiations took place with the Foreign Office as to what could be done so that these obstinate Hungarians would finally deport all the 100,000 Jews from Hungary? Is it correct that correspondence with the Foreign Office was carried out on that subject?

DEFENDANT VEESENMAYER: When is that supposed to have been?

Q. October 1944.

A. After the change of regime—that is after 15 October?

Q. Just before, quite a short time before.

A. It is possible that in view of the military emergency situation, because all Jews had remained in Budapest, about 300,000, and the rich middle classes had gone, so the front was still 20 kilometers away from Budapest. We could see the gun flashes at night. That was the situation and we thought "What would happen if there should be a rising in Budapest?"

Q. Well, wasn't that quite unimportant at that time whether those few Jews were allowed to stay alive or not? Wasn't it clear that everything was lost and that you might let them live?

* Document NG–5586, Prosecution Exhibit 3715, reproduced earlier in this section.

A. Excuse me, Professor, it is not a question which I can answer in that form. In practice the question was, "Will the front hold or won't it?" If Budapest revolts, the whole front will be rolled up. It's a matter of elementary security. If I participated in such conversations, which I won't deny is possible, then I participated exclusively from a military point of view. What can I do to hold up the Eastern Front as long as possible? Only from that point of view.

* * * * * * *

C. Special Commando (Sonderkommando) Dirlewanger and Related Matters

I. CONTEMPORANEOUS DOCUMENTS

TRANSLATION OF DOCUMENT NO–2920
PROSECUTION EXHIBIT 2386

LETTER FROM DEFENDANT BERGER TO HIMMLER, 4 JUNE 1940, RECOMMENDING THAT DIRLEWANGER TRAIN PERSONS CONVICTED OF POACHING AND LATER LEAD THEM IN BATTLE; AND REPLY, 15 JUNE 1940, NOTING HIMMLER'S AGREEMENT AND REQUESTING BERGER TO TAKE NECESSARY ACTION

Replacement Office of the Waffen SS
Div. III File Ref.: 18 Berlin, 4 June 1940
Subject: Induction of Dr. Oskar Dirlewanger, Esslingen/N. into Waffen SS
Reference: None
Enclosures: 1
To the Reich Leader SS and Chief of the German Police
Berlin
Reich Leader:

Some time ago First Lieutenant Dr. Oskar Dirlewanger (of the Reserve Corps) addressed himself to the Reich Leader with the request to be inducted into the Waffen SS.

In a purely political trial in 1935, Dr. Dirlewanger was sentenced to 2 years' imprisonment in a penitentiary on a charge of a "sexual offense." After serving his sentence he was released and attempted to reopen the case, whereupon he was taken into protective custody [Sicherheitsverwahrung] at Welzheim by the Gauleiter and Reich Governor, and only my personal intervention prevented a new breach of justice.

Since Dr. D. conducted himself well during the postwar years and in the NSDAP after 1930, and since I was acquainted with his selfless service, I made it possible for him to enter the Condor Legion. After the end of the war in Spain he returned to Germany, reopened his case and was then acquitted unconditionally.

In spite of his war injuries D. desires to be utilized at the front. I request that his wish be granted as far as possible.

I should like to be permitted to suggest that the training of those persons who have been previously punished for poaching be entrusted to him, since he has received modern training in every respect. Then he is to lead these men at the front.

Chief of the Replacement Office of the Waffen SS

Handwritten [Initial] B [BERGER]

SS Brigadier General

Berlin, 15 June 1940

[Stamp]

SS Main Office

17 June 1940

VIII [Illegible signature]

Reich Leader SS

Personal Staff

Diary No. A/6/76/40

Wa/Kp

[Stamp]

Replacement Office of the Waffen SS

18 June 1940

III SS Captain Brill

Subject: Transfer of Dr. Oskar Dirlewanger, Esslingen/Neckar to the Waffen SS

Reference: Your letter of 4 June 1940 / Div. III File No. 16

To the Chief of the Replacement of the Waffen SS

SS Brigadier General Berger

Berlin

The Reich Leader SS agrees to the transfer of Dr. Oskar Dirlewanger into the Waffen SS as an SS First Lieutenant. The Reich Leader SS also approves of transferring to Dr. D. the training of persons previously punished for poaching.

953402—52——33

I request you to take the necessary steps as far as these two matters are concerned.

BY ORDER:

[Handwritten] Cordial greetings,

[Signed] R. BRANDT*

SS Major

Enclosures.

TRANSLATION OF DOCUMENT NO–2921
PROSECUTION EXHIBIT 2387

LETTER FROM SS BRIGADIER GENERAL GLOBOCNIK TO DEFENDANT BERGER, 5 AUGUST 1941, SUMMARIZING THE EARLY ASSIGNMENTS OF DIRLEWANGER IN POLAND AND RECOMMENDING HIS PROMOTION

The SS and Police Leader in the District of Lublin

Lublin, 5 August 1941

[Stamp]
SS Main Office,
Main Division ½
9 August 1941
[Handwritten] II a

Ha/Fu Diary No. 996/41

Subject: Promotion of SS Standartenfuehrer [Colonel] Dirlewanger, Hauptsturmfuehrer (Reserve) [Captain] to Sturmbannfuehrer (Reserve) [Major]

Reference: Letter dated 2 July 1941 from there, I 2 a–312 Ru/Ta

Encl:

[Stamp]
SS Main Office
8 August 1941

The Reich Leader SS
Chief of the SS Main Office
Berlin, W 35
Luetzowstr. 48/49

The SS Captain (Reserve) Oskar Dirlewanger, born at Wuerzburg on 26 September 1895, was transferred from the 2d SS Infantry Regiment Oranienburg and assigned to this headquarters as leader of Sonderkommando Dirlewanger.

Dirlewanger did outstanding work as leader of his Kommando during trench digging operations on the Bug [Buggrabenbau Belcez] and as camp commandant of the camp for Jews at Dzikow.

* Rudolf Brandt was a defendant in the Medical case, Volumes I and II, this series.

After the trench construction on the Bug was completed, he was put at the disposal of the SS and Police Leader Lublin for special tasks.

Dirlewanger proved his outstanding qualities during all operations to combat smuggling and black market activities as well as measures against the Polish resistance movement and achieved positive results on all his assignments. It is herewith requested that Hauptsturmfuehrer [Captain] (Reserve) Dirlewanger be promoted to SS Sturmbannfuehrer [Major] (Reserve).

[Signed] GLOBOCNIK
SS Brigadier General

TRANSLATION OF DOCUMENT NO–2922
PROSECUTION EXHIBIT 2388

LETTERS FROM DEFENDANT BERGER TO THE CHIEF OF THE SS PERSONNEL MAIN OFFICE, 16 AUGUST AND 27 SEPTEMBER 1941, RECOMMENDING DIRLEWANGER FOR PROMOTION, TOGETHER WITH THE CONCURRENCE OF THE HIGHER SS AND POLICE LEADER EAST, SS LIEUTENANT GENERAL KRUEGER

The Reich Leader SS
Chief of the SS Main Office — Berlin, 16 August 1941

To: The Chief of the SS Personnel Main Office
SS Major General Schmitt
Berlin S.W. 15

Subject: Recommendation for promotion

Enclosures:
1. Excerpt from index card
2. Character and efficiency report
3. Life history written by the person to be promoted
4. Copy of the promotion to Hauptscharfuehrer [SS M/Sgt]
5. Record of the recommendation for promotion
6. Two photographs

I beg to request that SS Captain (Reserve) Oskar Dirlewanger, at present leader of the Sonderkommando Dirlewanger, be promoted to SS Major (Reserve).

Chief of the SS Main Office
[Signed] G. BERGER
SS Major General and Major General of the Waffen SS

Berlin, 16 August 1941

Cracow, 12 September 1941

The Higher SS and Police Leader East

The above recommendation is supported by me.

[Signed] KRUEGER

SS Lieutenant General and Lieutenant General of the Police

Berlin, W 35, 27 September 1941
Luetzowstr. 48/49
P.O. Box 43.

The Reich Leader SS
Chief of the SS Main Office

Personnel Office I 2a/Az: 16 d/H Pae

Quote above reference and date in your reply.

[Handwritten] 14/10, [Initials] SCH [Schmidt]
I/A 2

Subject: Promotion of SS Captain (Reserve)
Oskar Dirlewanger

Enclosure: One recommendation for promotion

[Handwritten] Encl. 2

The Chief of the SS Personnel Main Office,

SS Major General Schmitt

Berlin, SW 11

Enclosed I submit a recommendation for promotion of SS Captain (Reserve), Oskar Dirlewanger, to SS Major (Reserve).

The enclosed efficiency report* by SS Brigadier General Globocnik shows that Dirlewanger did excellent work in his present assignment. *The recommendation for* promotion has the *support of the Higher SS and Police Leader East, SS Lieutenant General Krueger.*

In my opinion, the promotion should be granted in recognition of his sense of duty and achievements up to date.

I should welcome the promotion of SS Captain Dirlewanger, to become effective at the earliest possible date. As far as I know, he is being carried on the files of the *5th SS T. Standarte* [Totenkopf–Death Head Formation].

The Chief of the SS Main Office

[Signed] BERGER

SS Lieutenant General and Major General of the Waffen SS

* Document NO–2921, Prosecution Exhibit 2387, reproduced immediately above.

Age 46
Entered the SS ..... 1 July 1940
SS No. 357,267
Party Membership No 1,098,716
Last promotion ..... 1 August 1940
Profession ..... Auditor
Mil. Service ..... World War, First Lieutenant (Reserve)
Iron Cross First and Second Class
[Illegible initial]

TRANSLATION OF DOCUMENT BERGER 80
BERGER DEFENSE EXHIBIT 72

EXTRACT FROM A PUBLICATION OF THE PUBLIC SAFETY BRANCH, UNITED STATES MILITARY GOVERNMENT FOR GERMANY, DECEMBER 1947, QUOTING A HIMMLER ORDER OF 29 JANUARY 1942 STATING THAT THE COMMANDO DIRLEWANGER WAS SUBORDINATED TO THE SS OPERATIONAL MAIN OFFICE*

ANALYSIS OF NAZI CRIMINAL ORGANIZATION

Survey of the subdivision of criminal Nazi organizations [*Page 80, bottom*]

"In conclusion, it can be said that the following letter (BDC N 322) has particular documentary value in the light of present day judgment:

The Reich Leader SS
Personal Staff
Fuehrer Headquarters, 29 January 1942
Diary No. A 3 5/39/42
Gro/V
To the SS Operational Main Office
Headquarters Waffen SS
Section I 4 attention SS Sturmbannfuehrer Max Schulz
Berlin

The Reich Leader SS has ordered that the Kommando Dirlewanger is to be classed as a volunteer-section of the Waffen SS (like the volunteer units of the Germanic countries) and, as such, subordinated to the SS Operational Main Office."

* The entire extract offered by the defense in this exhibit is here reproduced.

PARTIAL TRANSLATION OF DOCUMENT NO–2455
PROSECUTION EXHIBIT 2391

EXTRACTS FROM THE DRAFT OF A LETTER FROM DEFENDANT BERGER TO HIMMLER, 17 JUNE 1942, REQUESTING PERMISSION TO AGAIN COMB PENAL INSTITUTIONS FOR ADDITIONAL POACHERS FOR DIRLEWANGER'S SONDERKOMMANDO AND A PROPOSED SECOND KOMMANDO, AND SHOWING A HANDWRITTEN NOTE BY DEFENDANT BERGER AND THE INITIALS OF HIMMLER

Secret

XV/14

Draft

Reich Leader SS — Berlin, 17 June 1942

Chief of SS Main Office [Initials] H. H. [Heinrich Himmler]

[Handwritten] VS No. 2140/42

[Handwritten note]

Subject:

To the Reich Leader SS
Fuehrer Headquarters

Dear B!

I wanted to write Reich Leader SS! But I don't know how he would take it! Please read it over! Perhaps you can arrange a discussion!

Heil Hitler!

Yours

[Signed] G. BERGER

Reich Leader!

SS General [Oberstgruppenfuehrer] Daluege phoned me yesterday and told me that he had received a teletype from SS Lieutenant General [Obergruppenfuehrer] Krueger to the effect that, with regard to the increasing number of surprise attacks by partisans in the Lublin district, he would no longer be able to guarantee security if police reinforcements were not sent soon to the Government General.

Now it is peculiar that the surprise attacks by partisans started all of a sudden when Dr. Dirlewanger's Sonderkommando was removed from the district by more or less fair means.

Perhaps this is also now a warning that a savage country cannot be governed in a "decent manner" and that the Sonderkommando's policy "to rather shoot two Poles too many than one too few" was right.

[Handwritten marginal note] Already forwarded [Initial] B 23 June.

Considering the weakness of this Kommando and referring to the following data, I request permission to comb again the penal institutions in close collaboration with SS Major General [Gruppenfuehrer] Mueller and after thoroughly examining them, to train all men sentenced for poaching and to use them for reinforcing the old Sonderkommando, and for forming a second Sonderkommando.

* * * * * * *

This way of fighting completely deviates from the hitherto usual method of operation of a police battalion. But this will be the only way that leads to the goal.

I suggest employing such a Kommando in South Carinthia after the suitable poachers have been selected and trained. I am fully convinced that the results will justify my suggestions in every respect.

SS Major General

PARTIAL TRANSLATION OF DOCUMENT NO-3028
PROSECUTION EXHIBIT 2392

LETTER FROM DR. BRAEUTIGAM OF THE EAST MINISTRY TO DEFENDANT BERGER, 10 JULY 1943, TRANSMITTING REPORTS OF REICH COMMISSIONER KUBE ON ATROCITIES BY SPECIAL POLICE UNITS, INCLUDING THE DIRLEWANGER REGIMENT, AND BERGER'S REPLY, 13 JULY 1943

1. Braeutigam's letter to Berger, 10 July 1943

[Stamp]

Personal Staff of Reich Leader SS

[Handwritten] 227

Berlin W 35, 10 July 1943
Kurfuerstenstr. 1134

The Reich Minister for the Occupied Eastern Territories
Ministerial Dirigent
Dr. Braeutigam
I 1168/43 secret

Secret!

SS Lieutenant General Berger*
SS Main Office
Berlin-Wilmersdorf
Hohenzollerndamm 31

Dear SS Lieutenant General!

Deputizing for Dr. Leibbrandt, who is presently away on leave, I am sending you four reports of the Commissioner General for White Ruthenia and one report of the Reich Commissioner for the Ostland for your information, leaving any suitable measures to your discretion and at the same time requesting speedy return of the documents.

Heil Hitler!

Sincerely yours,

Signed: DR. BRAEUTIGAM

* At this time defendant Berger was liaison officer of Himmler with the East Ministry.

2. Letter from Reich Commissioner Kube to the East Ministry, 3 June 1943, transmitting a report of Propaganda Director Lauch and noting that large scale SS operations "are terminated by mass shootings of the entire population"

The Commissioner General
for White Ruthenia
Gauleiter/Wa
Journal No. 418/43 Secret

[Stamp]
Personal Staff
of Reich Leader SS
[Handwritten] 227

Minsk, 3 June 1943

Secret

The Reich Minister for the Occupied Eastern Territories
Berlin
via the Reich Commissioner for the Ostland
Riga

Enclosed I am sending you copy of a report by Director of Propaganda Lauch* of the Propaganda Division of my Minsk office. Following my instructions Director of Propaganda Lauch participated in the large-scale operation of the SS and police under the command of SS Brigadier General v. Gottberg in the Borissow area. All details of this report dovetail with the reports submitted by my officials of the Agricultural Department and other civil administration offices.

This report also supplies the answer to the puzzle why, even after large-scale operations, the number of partisans not only does not decrease but actually increases, and why *food supplies for the home front and the frontline from the embattled areas grow scantier instead of going up.*

Furthermore, the report shows that any propaganda moves after the completion of such operations—which are terminated by mass shootings of the entire population—are completely useless.

I am not in a position to initiate and implement any changes in this matter, as the civil administration does not have any influence on the conduct of such operations.

The Commissioner General in Minsk
Signed: Signature

Enclosure

* Reproduced in part immediately below.

3. Extracts from Propaganda Director Lauch's report, 2 June 1943

[Handwritten] 227

[Stamp] Personal Staff of Reich Leader SS

Secret

Copy

Report about the participation of the combat team of Lieutenant Colonel Klupsch in the large-scale operation

16 May 1943, 1830 hours. Left Minsk by official train for Molodeczno, arrival in Molodeczno 0430 hours. Contacted transport.

* * * * * * *

23 May 1943, 0620 hours. Left for Paraffianov. Arrival in P. at 1100 hours.

24 May 1943—Trip from P. to Doschyze. Arrived at Nebyshino at 1300 hours, reported to combat post. Two barns at Nebyshino contained corpses of partisans and partisan suspects who had been shot. The barns were set afire; however, the corpses were not burned. In a barn in which six charred corpses were found, four pigs were eating those corpses. I complained to Colonel Klupsch about this, and I requested that they be buried, so that the wagon drivers and other indigenous personnel were spared this gruesome sight. Two days later Lieutenant Colonel K. gave orders to bury the corpses. I shall yet deal with further details of this incident.

25 May 1943—The loudspeaker truck was to accompany Lieutenant Colonel Klupsch on a frontline inspection trip. However, Lieutenant Colonel Klupsch decided later on to go alone and ran with his car on a mine, approximately 500 meters behind N; Lieutenant Colonel Klupsch was not badly wounded, though the other two occupants of the car were severely wounded, especially the driver. Lieutenant Colonel Kitzinger of the Wehrmacht then assumed command of the Combat Group Klupsch. On the same day the combat post was transferred to Novosselski. There, the first conference with the new commanding officer took place.

26 May 1943—1300 hours arrival at Pjanyj Less. On that day propaganda meetings took place in Ossinovik and Vitinishi, which left a good impression with the population. Speeches by local propaganda agents can be called good.

27 May 1943—First Lieutenant Boehme calls me to the combat post and informs me that a so-called trap position [Auffangstellung] had been established in Babce, hence the combat post had been transferred on that day, and that we could expect to stay

in this position for at least 1 week, possibly longer. This prolonged stay in B. in conjunction with the result of the talks I had with Lieutenant Colonel Kitzinger as well as the following combat operations, induced me to discontinue my activities, as the prevailing conditions were quite inimical to any further propaganda work. According to Lieutenant Colonel Kitzinger's statements the prisoner interrogations have shown that a large number of partisans have been issued with civilian clothes, and that they have been ordered to do agricultural work in the villages until further notice. Following this Lieutenant Colonel K. has decided to burn all villages and to shoot their inhabitants.

This kind of action has induced me not to continue my work. Apart from the described events, other incidents occurred during this particular operation which only boost the partisans' counter-propaganda drive, as they had asked the population to leave their villages before the Germans moved in and to take to the forests. They claimed that anyone not following this instruction would be murdered by the German barbarians. It has been established that the majority of the population actually followed their advice. As time passed some returned, and it was those people who saw the partly charred corpses of those shot in Nebyshino.

These events left a particularly strong impression and it is quite likely that they induced the greater part of the population not to return to the villages. An added bad impression was created by both Wehrmacht and police actions, in which the resident homes were quite senselessly gone over, and in the course of which the furniture, seed stocks, and other items were thrown into their fields and backyards. The whole is a sorry picture of senseless destruction and, of course, makes the worst impression imaginable on the population. Then, there was the labor allocation staff immediately starting its recruiting drive, which again caused a lot of anxiety. And then chickens were found lying about dead in the towns. Certainly, it is quite in order when the troops help themselves to those food supplies they need; but the senseless killing of livestock is highly objectionable and must be severely censured. Summing up it must be said that all those events prove irrevocably the uselessness of pushing a successful propaganda campaign, as we have no good points in our favor whatsoever to impart to the population.

* * * * * * *

Signed: LAUCH

Minsk, 2 June 1943

4. Second letter from Kube to the East Ministry, 3 June 1943, noting that the Dirlewanger Regiment "is particularly prominent" in committing atrocities

[Stamp] Personal Staff of Reich Leader SS [Handwritten] 227
The Commissioner General for White Ruthenia

Minsk, 3 June 1943

Gauleiter/Ba.
Journal No. 419/43 secret

Secret

To the Reich Minister for the Occupied Eastern Territories
Berlin
via the Reich Commissioner for the Eastland
Riga

Supplementing the report of Director of Propaganda Lauch, I enclose a copy of a report of the deputy department head for policy, Area Commissioner Langer* [sic].

In addition, a further report of Party Member Langer based on an oral report of the political Referent in Borissow.

Both reports show that the statements [by] Director of Propaganda Lauch are not biased, but describe things as they are.

I propose that the Reich Minister for the Occupied Eastern Territories be requested to submit the matter to Fuehrer headquarters. These things have great political significance. If the treatment of the indigenous population in the Occupied Eastern Territories is continued in the same manner which has been used up to now, not only by the police, but also by the Wehrmacht and the OT [Organisation Todt] then in the coming winter we may expect not partisans, but the revolt of the whole country, and then the forces of the police at our disposal would hardly suffice to carry out the duties assigned.

The Dirlewanger Regiment is particularly prominent in that type of operations. It is composed almost exclusively of previously convicted criminals from Germany.

The Commissioner General in Minsk

Signed: signature

Enclosures

* The name should be "Lange." Lange's report is reproduced immediately below.

5. Lange report of 31 May 1943, stating that the inhabitants of a Ukrainian village were driven into two houses and then burned to death

The Commissioner General in Minsk
Department I Political
To the Chief of Main Department X
in the building

Minsk, 31 May 1943
[Stamp]
Personal Staff of
Reich Leader SS
[Handwritten] 227

I am submitting the following private communication for your information. Dr. Walkewitsch, the acting head of WSW came to me.

He was informed by Mr. Sakowitsch, the former territory head [Gebietsvorsitzender] of the WSW Minsk—County that on 27 May at 1400 hours the SS and/or Ukrainians had driven the inhabitants of Krjvsk together into two houses and afterward set fire to the houses so that those inside burned to death.

The same thing happened to the village of Krashyn on 24 May. Both villages are located in the district of Woloshin of the Vilijka territory.

BY ORDER:

Signed: LANGE

6. Letter of Berger to Braeutigam, 13 July 1943, stating his regret that Kube submitted such reports unchecked and concerning the performance of the Dirlewanger Regiment

[Stamp] Personal Staff of Reich Leader SS
[Handwritten] 227
13 July 1943

Od SSHA/Bo/Ra./VS-Journal No. 4479/43 secret.
Office of the Adjutant Journal No. 2204/43 secret.

[Stamp]
Secret

Office of the Adjutant Journal No. 2204/43 secret

To Ministerial Dirigent Dr. Braeutigam
Reich Ministry for the Occupied Eastern Territories
Berlin W 35
Kurfuerstenstrasse 134

Dear Doctor!

Thank you for turning over the files to me for inspection. I deeply regret that reports of this sort are being relayed unchecked, that much confusion is being stirred up and above all

things that the confidence in close cooperation is being destroyed. In the case at hand it is my opinion that it would have been the duty of Commissioner General Kube to ascertain the accuracy of the reports to his satisfaction on the spot and then to get in touch with the competent SS and Police Leader, SS Brigadier General v. Gottberg, or with the Chief in charge of fighting partisans, SS Lieutenant General von dem Bach.* We can alter nothing here in any case, for you cannot give orders to a troop without personally having exact insight into the situation. Moreover, perhaps Mr. Kube's attention can still be called to the fact that for the most part these "criminals" are former Party Members who were formerly punished for poaching or for some stupid action, are now taken out and allowed to prove themselves, and this they do with an incredible percentage of bloody losses.

Heil Hitler!

Signed: BERGER
SS Lieutenant General

7. Note for Defendant Berger, 16 July 1943, stating that Himmler requests Berger to inform Rosenberg on campaigns against partisans

[Stamp]
Personal Staff of
Reich Leader SS
[Handwritten] 227

Note for SS Lieutenant General Berger:

The Reich Leader SS has received a report of the Commissioner General for Volhynia and Podolia. He requests that the Reich Minister of the East be informed that the campaign against the partisans is going quite according to schedule and Volhynia and Podolia will be the next on the list.

[Initial] B [BRANDT]
SS General

16 July 1943

[Handwritten] Anti-partisan operations.

* SS Lieutenant General von dem Bach-Zelewski. See excerpts from the testimony of defendant Berger, reproduced later in this section.

TRANSLATION OF DOCUMENT NO–4317
PROSECUTION EXHIBIT 2373

MEMORANDUM OF SS LT. COLONEL STRAUCH, OF SECURITY POLICE AND SECURITY SERVICE IN WHITE RUTHENIA, 20 JULY 1943, CONCERNING THE ARREST AND "SPECIAL TREATMENT" OF 70 JEWS EMPLOYED BY REICH COMMISSIONER KUBE AND KUBE'S PROTESTS AND OTHER INCIDENTS

The Commander of the Security Police and the SD White Ruthenia
Minsk, 20 July 1943
[Stamp]
Personal Staff of the Reich Leader
SS—Central Archives
No. Secret 102/22[1]

File Memorandum

On Tuesday, 20 July 1943, pursuant to orders, I arrested and subjected to special treatment [Sonderbehandlung] 70 Jews employed by the Commissioner for White Ruthenia.

On the same day at 10 o'clock I received a telephone call from the office of the Commissioner General that the Gauleiter[2] would like to see me at once. I complied with this request.

Although the outward appearance of the Gauleiter seemed to be calm, his manner of speaking betrayed that he was in a state of extreme excitement. He asked me how I dared arrest the Jews employed with him, I declared that I had received a strict order to carry out this action. He asked me for a written order. I replied that I was satisfied with an oral order since I had to carry out such an order as exactly as a written one. Gauleiter Kube emphasized then that this constituted a serious violation of his jurisdiction; the Jewish workers were subordinated to him and it was not permissible that the Reich Leader SS or Lieutenant General von dem Bach interfere with his jurisdiction as Commissioner. But even beyond that point, he considered this measure to be a chicanery directed against him personally. If the Jews were eliminated from his office only and not from all offices of the Wehrmacht and other offices, he must regard this as a personal insult. He said that Lieutenant General von dem Bach had been his guest until 3 o'clock in the morning during his last stay in Minsk. During his present stay, however, he had not contacted him at

[1] This report was given to defendant Berger who discussed the matter with Alfred Rosenberg. See Berger's letter of 18 August 1943 to Brandt, Document NO–4315, Prosecution Exhibit 2375, reproduced immediately below, where the file reference "No. Secret 102/22" is the same as the file reference of this note.

[2] At this instance Kube is being referred to as "Gauleiter" evidently because he was at one time the Gauleiter of Brandenburg.

all. He would have to assume therefore that in this connection the action against the Jews was meant to be a special insult against him. Of course, he could not arm his men in order to prevent the SD from carrying out the arrest. He therefore had to yield to the use of force. However, he did not want to leave any doubt open as to the fact that in future he would decline to cooperate with the police, especially with the Security Police, and he would also no longer permit that members of the Security Police should enter his official building in the future.

But if we wanted a fight, he could also act in a different manner. He is reminding us of the case of SS Captain Stark who had mistreated three White Ruthenian women in a sadistic way and had taken a suitcase with jewels and valuables to Berlin. I replied that the so-called Stark case took place before the time of my service in White Ruthenia, that I had investigated it anyhow and that there was no reason to initiate proceedings against Stark. *The valuables had been delivered by Stark at the Main Office Economics and Building in accordance with an order of the Reich Leader.* The Gauleiter declared that even that was unlawful, since the valuables should have been delivered to him. The Reich Leader was not entitled to issue such orders. I replied that I was not entitled to examine the orders of my Reich Leader with regard to their correctness. If the Reich Leader gave me an order, it was certain for me that he had the right to do so.

Kube asked me then whether I had cared with the same diligence for the transports of livestock to SS Lieutenant General Berger as I had cared for his Jews. I replied that I did not know anything about such transports of livestock. Kube thought this strange since, after all, it was the duty of the police to prevent such illegal procedures.

I emphasized that I could not understand how German men could quarrel because of a few Jews. I was again and again faced with the fact that my men and I were reproached for barbarism and sadism, whereas I did nothing but fulfill my duty. Even the fact that expert physicians had removed, in a proper way, the gold fillings from the teeth of Jews who were designated for special treatment had been made the topic of conversations. Kube replied that this method of our procedure was unworthy of a German man and of the Germany of Kant and Goethe. It was our fault that the reputation of Germany was being ruined in the whole world. It was also true, he said, that my men literally satisfied their sexual lust during these executions. I protested energetically against that statement and emphasized that it was

regrettable that we, in addition to having to perform this nasty job, were also made the target of mud-slinging.

That was the end of the conversation.

[Signed] STRAUCH[1]
SS Lieutenant Colonel

TRANSLATION OF DOCUMENT NO–4315
PROSECUTION EXHIBIT 2375

LETTER FROM DEFENDANT BERGER TO BRANDT OF HIMMLER'S PERSONAL STAFF, 18 AUGUST 1943, RETURNING STRAUCH'S FILE NOTE OF 20 JULY 1943, AND STATING THAT ROSENBERG, AFTER A DISCUSSION WITH BERGER, IS GOING TO SEND GAULEITER MEYER "TO GIVE KUBE A SERIOUS WARNING"

The Reich Leader SS
Chief of the SS Main Office
Cd SS HA/Be/Ra/VS-Journal No. 5249/43 g
Adjutant's Office Journal No. 2612/43 g
When replying, please quote above reference and date

Berlin-Wilmersdorf 1, 18 August 1943
Hohenzollerndamm 31
Post Office Box 58

[Stamp]
Personal Staff Reich Leader SS
Archives
Files Ref. No. Secret/102/22
Secret

To Reich Leader SS
Personal Staff
SS Lieutenant Colonel Dr. Brandt
Berlin SW 11
Prinz-Albrecht-Str. 8

Dear Doctor,

1. The file note returned after perusal and report to Reich Leader Rosenberg.[2] During the next few days Reich Leader Rosenberg will send Gauleiter Meyer to Minsk to give *Kube* a serious warning.

[Marginal handwritten note to 2] Filed under troop training ground.

[1] Eduard Strauch was a defendant in the Einsatzgruppen case, volume IV, this series.

[2] The file memorandum returned is indicated by the file reference "No. Secret 102/22." See the identical file reference on Strauch's report of 20 July 1943 on his conference with Kube, Document NO–4317, Prosecution Exhibit 2373, reproduced immediately above.

953402—52——34

2. Troop training ground Dondangen definitely approved by Rosenberg; also the proposition made by the Reich Leader SS that the Latvians to be settled there are to be accommodated *en bloc* in Latgalia* on well-sized plots of land and that the former inhabitants must evacuate Latgalia. I notified SS Brigadier General Dr. Kammler.

I request most urgently the return of the files which belong to the Reich Ministry for the Occupied Eastern Territories.

Heil Hitler!

Yours,

[Signed] G. BERGER
SS Lieutenant General

[Stamp]

Personal Staff Reich Leader SS / Enclosures
In on: 19 August 1943 [Handwritten] Encl.
Journal No.: 36/207/43 g
To: RF
1 File note

* Latgalia or Latgale, is a province in eastern Latvia.

PARTIAL TRANSLATION OF DOCUMENT NO-2923
PROSECUTION EXHIBIT 2389

SS FILES, 9 AUGUST TO 6 DECEMBER 1943, CONCERNING THE AWARD OF THE GERMAN CROSS IN GOLD TO DIRLEWANGER

Higher SS and Police Leader for Central Russian and White Ruthenia

Recommendation for the award of the German Cross in Gold

Local Headquarters, 9 August 1943
M.d.F.d.G.b.*

[Signed] GOTTBERG
SS Major General and Major General of the Police

To the High Command of the Army
PA/ P 5

[Handwritten] Conferred on 5 December 1943.
[Illegible signature]

No.	Last name	First name	Place of birth	Date of birth	Rank	Unit
1	Dr. Dirlewanger	Oskar	Wuerzburg	26 September 1895	SS Obersturmbannbuehrer	C.O.SS Special Battalion Dirlewanger

Short explanation and recommendation by immediate superior.

SS Lieutenant Colonel [Obersturmbannfuehrer] Dr. Dirlewanger distinguished himself in World War, 1914–1918, in the Spanish campaign, and in this war by his extraordinary bravery and exemplary personal pluck. His outstanding achievements in warfare deserve special recognition.

World War.

* * * * * * *

Present war.—On 1 July 1940 he took over the Oranienburg unit, consisting of game poachers [Wilddieb Kommando Oranienburg], with which he was sent to the Government General on 1 September 1940, to fight against guerrillas as the SS Special Battalion Dirlewanger until the end of February 1942. He was

* "Mit der Fuehrung der Geschaefte beauftragt"—literal translation, "charged with carrying out the duties of office."

sent into action wherever the situation demanded a go-getter who would act courageously and not be afraid of danger. Already in the Government General he was quite successful. From the end of February 1942 onward, SS Lieutenant Colonel Dirlewanger and his SS Special Battalion were utilized against guerrillas in the rear areas and in White Ruthenia. SS Lieutenant Colonel Dirlewanger distinguished himself as a leader and as an exemplary individual fighter in the following large and small-scale operation:

2–10 March 1942, operation against a strong guerrilla band northeast of Ossipowitschi. A strongly fortified guerrilla camp at Lawitsche was attacked and taken under his personal courageous leadership. The guerrilla band was annihilated and much booty secured.

* * * * * * *

17–24 April 1943, operation "Zauberfloete," mopping up the town of Minsk.

26 April–10 May 1943, operations "Draufgaenger I and II" as minor operations within the major operation "Kottbus"* followed by participation in the major operation "Kottbus" until 21 June 1943 in the area Borissow-Lepel.

2–7 July 1943, operation "Guenther" in area of Manila-Faldes and from 15 July to 5 August 1943, operation "Hermann" in Nalibokiwald area.

Dirlewanger's SS Special Battalion, composed partly of non-Germans, attained enormous successes under the leadership of its commanding officer, owing to its extreme reliability. On most occasions it went into action at the most dangerous points.

Thus, the battalion alone wiped out 15,000 guerrillas, 20 guns, 8 antitank guns, 2 tanks, 62 submachine guns, 112 light machine guns, 70 automatic rifles, 82 revolvers, 1,100 rifles, several radio stations, parachutes, large quantities of ammunition, mines, explosives, and other enemy material were captured or destroyed.

Such great successes could only be achieved as a result of Dirlewanger's meritorious activities. Because of his outstanding qualities as a leader and his superior tactical abilities, he always kept his battalion ready for action and, judging the situation correctly, used it at such points where he could defeat the enemy decisively. All these successes he achieved with a minimum of losses to his own men, only 92 dead, 218 wounded and 8 missing. In addition to these merits, which Dirlewanger achieved as the leader of his battalion and as the leader of an Einsatzgruppe consisting

* For further details concerning this operation, see Document NO-2608, Prosecution Exhibit 2390, reproduced earlier in this section. Defendant Berger also discussed this matter in his testimony, extracts from which are reproduced later in this section.

of four battalions and reinforced with heavy weapons, he has, as mentioned before, distinguished himself in every operation by particular personal bravery and exemplary initiative. Wherever the situation was most difficult he could be found; through his personal initiative he could even overcome difficult situations in which the enemy was numerically superior and the attack was in danger of being stopped.

* * * * * * *

Lieutenant Colonel Dirlewanger received the Gold Medal for War Injuries on 12 July 1942.

I propose to bestow the German Cross in Gold upon this deserving and excellent officer.

M.d.F.d.G.b.

[Signed] GOTTBERG

Major SS Major General and Major General of the Police

Local Headquarters, 15 August 1943

The Reich Leader SS and Chief of the German Police

Chief of the Anti-Partisan Forces

In consideration of the extraordinary services and of the excellent bravery which SS Lieutenant Colonel Dr. Dirlewanger showed repeatedly in the course of a large number of operations against guerrillas, I approve of this SS leader being decorated with the German Cross in Gold.

[Signed] VON DEM BACH

SS Lieutenant General and Lieutenant General of the Police

TRANSLATION OF DOCUMENT NO-621*
PROSECUTION EXHIBIT 2394

LETTER FROM DEFENDANT BERGER TO HIMMLER, 19 OCTOBER 1943, OPPOSING THE APPOINTMENT OF SCHICKEDANZ TO MINSK AND REFERRING TO "MY SPECIAL KOMMANDO DR. DIRLEWANGER" IN CONNECTION WITH THE OPINION OF DEFENDANT LAMMERS

The Reich Leader SS
Chief of the SS Main Office

Berlin-Wilmersdorf 1,
Hohenzollerndamm 31
Post Office Box 58

Chief of the SS Main Office Now: Berlin-Grunewald, 19/10/43
Cd SSHA/Be/We. Douglas Street 7/11

Please quote the above reference and date in your reply.

Secret Register No. 1026/43 Top Secret
Adjutant's Office Diary No. 566/43 Top Secret
3 copies—1st copy

Subject: Staff Leader Schickedanz

[Stamp] Top Secret
[Initials] H. H. [Heinrich Himmler]

To the Reich Leader SS and Reich Minister of the Interior
Berlin SW 11
8, Prinz-Albrecht Street

Reich Leader!

Staff Leader Schickedanz was once earmarked as Reich Resident [Reichsresident] for the Caucasus. In view of the continued withdrawal of the front, he now himself recognizes that his dream of becoming king of the Caucasian peoples is over.

Probably urged on by the unqualified conduct [unqualifiziertes Verhalten] of his wife, which has not yet been quite clarified, he now wishes to obtain an appointment at all costs *and has applied for Minsk. Reich Leader Rosenberg is not averse to this and today stated that Reich Minister Dr. Lammers was in agreement with this suggestion* and that in fact, if I heard correctly, the *proposal would come from Lammers* himself. This change of opinion is probably due to the unqualified conduct of my Special Kommando [meines Sonderkommandos] Dr. Dirlewanger, which —so far as I could ascertain—has behaved in a most unsatisfac-

* Photographic reproduction of this document appears in Appendix A, Volume XIV.

tory fashion in every respect [das sich jedenfalls-soweit ich feststellen konnte—in jeder Beziehung vorbei benommen hat].

Reich Leader Rosenberg, however, does not wish to submit this proposal to the Fuehrer until he is certain that Schickedanz is actually acceptable to the Fuehrer.

I should be particularly grateful if Reich Leader SS would inquire from Dr. Lammers, as to the latter's actual attitude toward the proposal.

I myself consider Schickedanz' appointment to Minsk unsuitable.

[Signed] G. BERGER
SS Lieutenant General

TRANSLATION OF DOCUMENT NO–345
PROSECUTION EXHIBIT 2395

HIMMLER ORDER, 20 FEBRUARY 1944, CONCERNING THE "JURISDICTION AS TO THE EINSATZ-BATTALION DIRLEWANGER," NOTING THE COMPOSITION OF THE UNIT, THE POWER OF THE LOCAL COMMANDER OVER THE LIFE AND DEATH OF THE MEMBERS OF THE UNIT, AND THE RESPONSIBILITY OF DEFENDANT BERGER AND SS MAJOR GENERAL NEBE IN REHABILITATING POACHERS FOR THE UNIT

The Reich Leader SS
RF/M 35 126/44 secret

Field Command Post, 20 February 1944
[Stamp] Secret

Subject: Jurisdiction as to the Einsatz-Battalion Dirlewanger

The Einsatz-Battalion Dirlewanger consists of German men who have been previously convicted of poaching. This nucleus is considered to be good and even very good: concentration camp inmates who are suitable for the assignment; former members of the SS, who, after having served their time, are assigned for rehabilitation purposes to front service.

1. In combat the commander has jurisdiction over life and death of all members of these battalions, which consist of these different components.

2. The rehabilitation of the former poachers will be undertaken, without participation of the SS Court Main Office, through SS Lieutenant General Berger and SS Major General Nebe in the Reich Security Main Office through the Reich Ministry of Justice. The accomplished rehabilitation will be reported by SS Lieutenant General Berger to the SS Court Main Office.

3. The commander of the battalion, SS Lieutenant Colonel Dirlewanger, will have jurisdiction over life and death of the concentration camp inmates in rest area and field garrison.

4. The poachers will be under SS jurisdiction after their rehabilitation. As long as they have not been rehabilitated, the commander has also the power over life and death in rest area and field garrison.

5. Former SS men, assigned for rehabilitation, are under SS jurisdiction in rest area and field garrison.

[Signed] H. HIMMLER

To 1. Chief of the SS Leadership Main Office
2. Chief of the SS Main Office
3. Chief of the SS Court Main Office
4. Chief of the Reich Security Main Office

[Handwritten] Leadership Office has received copy

PARTIAL TRANSLATION OF DOCUMENT NO-5884
PROSECUTION EXHIBIT 2396

EXTRACT FROM A LETTER OF DEFENDANT BERGER TO BRANDT, 4 MAY 1944, CONCERNING ROSENBERG'S LETTER TO HIMMLER ON "THE DIRLEWANGER REGIMENT AND THE WHIPPING SCENE AT MINSK" AND SUGGESTING A LETTER FROM HIMMLER TO ROSENBERG ON THE INADVISABILITY OF INVOLVING DIRLEWANGER IN AN INVESTIGATION

[Stamp]
Personal Staff Reich Leader SS
Document Control
Secret/[Illegible number]
Berlin-Grunewald, 4 May 1944
Douglasstrasse 7–11

The Reich Leader SS
Chief of the SS Main Office
CdSSHA/Be/We Az. 16

Please state above reference and date in reply.

Subject: SS Brigadier General Jost*
SS Colonel Dr. Dirlewanger

To SS Colonel Dr. Brandt,
Reich Leader SS, Personal Staff

[Shorthand note] Write as suggested

Berlin SW 11
Prinz-Albrecht Str. 8

Dear Doctor:

* * * * * * *

2. In the case of the Dirlewanger Regiment and the whipping scene at Minsk, a letter from Reichsleiter Rosenberg was sent to the Reich Leader SS. Since the Reich Leader SS has not yet approached me on this subject I assume that you have kept this letter back for the time being. Like other letters it did not go through my hands or I would have changed it. As is well known, there are a number of people in the East Ministry who do not want to act as I do and are pleased when conflicts arise. Kindly suggest to the Reich Leader SS to address the following or a similar letter to Reichsleiter Rosenberg:

* Heinz Jost was a defendant in the Einsatzgruppen case, Volume IV, this series. The part of the document here omitted concerns Jost.

"Dear Party Member Rosenberg:

"On principle I share your view, and I am not at all pleased when an incident such as the one in Minsk occurs. However, I am convinced that you can fully understand if I cannot at present involve SS Colonel [Standartenfuehrer] Dr. Dirlewanger in an investigation, as I need him most badly for the safeguarding of that area."

Heil Hitler!

Yours,

[Signed] G. BERGER

Lieutenant General

[Stamp] 5 May 1944
[Handwritten] 12/88/44

2. TESTIMONY OF DEFENDANT BERGER

EXTRACTS FROM THE TESTIMONY OF DEFENDANT BERGER*

DIRECT EXAMINATION

* * * * * * *

DR. FROESCHMANN (counsel for defendant Berger): Witness, the prosecution charges you with being connected with the recruiting campaigns in the satellite states and that you then had these people attached to SS and Police formations. You are further charged that these formations committed atrocities against the civilian population and that the Dirlewanger Brigade was one of these formations and that the Kaminsky Brigade was also one of them. Would you now briefly tell us what you know about the activation of the Dirlewanger special formation?

A. The special Dirlewanger Brigade owes its existence to an order of Adolf Hitler, an order given in 1940 while the campaign in the West was still going on. One day Himmler called me up and told me that Hitler had ordered all men convicted of poaching with arms who were at present in prison were to be collected and formed into a special detachment. That Hitler should have such a somewhat unusual and far-fetched idea at all is due to the following reason: First of all, he himself didn't like hunting and had nothing but scorn for all hunters. Wherever he could ridicule them he did. In the second place, at this time he received a letter from a woman whose husband was a so-called old Party Member. He shot his stags in the National Forests. He was caught in the act and that's how he landed in prison

* Further extracts from the testimony of defendant Berger are reproduced earlier in sections VII C 3, and IX B 3, and later in section XI C 5.

for a couple of years. The woman complained that her husband was in jail and asked that he be permitted to prove himself at the front. That was the basis. I didn't enjoy this order one little bit for the simple reason that I had considerable difficulties with the Reich Marshal and Reich Master of the Hunt, Hermann Goering, and especially with the Gauleiter, who quite suddenly all turned out to be wild huntsmen and I saw all this trouble coming in advance so I told Himmler to give this order to the Reich Security Main Office and without a clearcut order I couldn't do anything, but I got the order and here again I refer to the complete files of Himmler which the prosecution has, where an order to this effect, with information to me, also to this effect, must be contained.

Thereupon, in accordance with my orders, I got in touch with the Chief of the Reich Criminal Office [Reichskriminalamt], Nebe. We agreed that at the beginning of the late summer all suitable men should be sent to the barracks at Oranienburg. That was done. I myself went to see the men. There were about 280 or 300 of them at the time. I read them Hitler's order and all the regulations concerning rehabilitation and asked them whether they were prepared to join in such a scheme or whether they would prefer to go back to jail.

Q. Witness, did these regulations, among other things, provide that these men had a chance after proving themselves to have their status and the right to bear arms restored to them? Please answer yes or no.

A. Yes.

Q. And it is further true that from the day that they went into action these men were regarded as being drafted by the so-called emergency service law?

A. Yes.

Q. Finally, is it true that the dependents of these men as a result received family allotments?

A. Yes.

Q. Is it further true that according to the implementation regulations, according to suitable service, the sentence was then quashed through the channels of the Reich Ministry of Justice?

A. Yes. That was the essential point.

Q. And which was the agency responsible for the quashing of such sentences?

A. That was my legal officer.

Q. How far did your activity go and how far did your competencies go with regard to the Dirlewanger Brigade?

A. Since personal connections and official connections are being mixed up at random here, I would like to explain this clearly.

My competency with the exception of the question of rehabilitation, the quashing of the sentences, the allotments for families, stopped at the moment that the people entered the barracks and were enrolled and considered as having been called up in the normal manner as a result of the emergency service law.

Q. Were the later recruits to this brigade also your affair?

A. After this affair I didn't need to bother about recruits. That was a matter that ran all by itself as long as poachers existed. Naturally everybody heard of this business right away and many people applied to all agencies to be taken into this brigade so as to be able to get out into freedom and the green forests instead of sitting behind bars.

Q. Witness, I don't know at the moment but have you already told us about the tasks of the Dirlewanger Brigade? I don't think you did.

A. No, I didn't. The brigade was to have a task within the area of the Government General, in particular in the very thickly wooded strip along the frontier of the German-Russian sphere of interest from Lvov to the San, that is a forested area covering about 180 kilometers long and 50 to 60 kilometers wide. In this area these men were to reinforce the German and Polish forestry personnel. There was a special reason for this. In 1939 before the Germans marched in, all prisons in Warsaw were opened. All professional criminals, many serving life sentences for robbery with murder, withdrew into this forested area. Every day we suffered losses there through snipers who picked off German and Polish forestry officials and German and Polish police officials. Far more Poles than Germans were killed. The police which according to the old system was combing out, as it was called, the area and so trying to catch these men suffered losses but never captured a single one, and I think we can say that quite openly, they laid down their arms.

* * * * * * *

Q. Now, Witness, the witnesses Morgen, Vogel, and Bach-Zelewsky[1] have testified that you had been a close personal friend of Dirlewanger and the prosecution goes one step further and says that you more or less elevated Dirlewanger and made him leader of the special brigade. Would you take document book 66–C, page 1, NO–2920, [Prosecution] Exhibit 2386?[2] Who was Dirlewanger?

[1] The testimony of the three witnesses mentioned is recorded in the mimeographed transcript, as follows: Konrad Morgen, 24 March 1948, pages 4072–4094; Albin Vogel, 24 March 1948, pages 4037–4070; and Erich von dem Bach-Zelewski, 25 March and 1 July 1948, pages 4278–4805, and 10691–10722. Bach-Zelewski first testified as a prosecution witness and later as a witness for defendant Darré.

[2] Reproduced earlier in this section.

A. Dirlewanger was a reserve officer in the same regiment to which I belonged, the Grenadier Regiment Koenig Karl, number 123.

Q. In the First World War?

A. Yes, in the First World War. Dirlewanger later became known in Germany for two major actions against the Communists, one action was that of his armored unit in the liberation of the town of Sangerhausen in Thuringia from the bands of Hoelz. As a result he was made honorary citizen of Sangerhausen. Then I didn't see him again for years except perhaps once a year at the regimental dinner. In 1933 he became Director of the labor office in Heilbronn. He was a doctor of economics. For 1 or 2 years everything went very nicely. Then he got into a quarrel with his Kreisleiter. This Kreisleiter was hanged in Landsberg for murdering American airmen who had been shot down. These quarrels arose because this Kreisleiter directed money from the Winter Aid Scheme for his own purposes. I will mention the details afterwards.

Now, Dr. Dirlewanger was hardly a good boy. You can't say that. But he was a good soldier, and he had one big mistake that he didn't know when to stop drinking. On such an occasion in 1935 the Kreisleiter brought him into a very unpleasant situation and he was convicted for indecent assault upon a minor for 2 or 2½ year imprisonment.

Q. Penitentiary, wasn't it?

A. Yes, penitentiary. At that time the law had come out that members of the Nazi Party in the case of such crimes were to be punished with particularly heavy sentences. Dirlewanger served this sentence. The testimony of the witness Morgen, according to which this sentence is supposed to have been earlier, is wrong. The proof of this will be given.

Q. Witness, I didn't quite understand your last remark.

A. The proof—

Q. No, I don't want to know that. What I want to know is this business that Morgen is supposed to have claimed—that this sentence was imposed previously.

A. Well, I remember his saying that it had been earlier on, that the sentence had been longer than 2½ years, but I think I remember correctly.

Q. Exceptionally so, in that case.

A. The condemnation was absolutely unjust. Scarcely was he out of jail when he reported to me in the Ministry of Education. He blew his stack. It was in 1937. I explained to him quite clearly, "This is the last time. All this comes from your drunkenness." He had not left me very long without news when I heard

from someone else that he had been arrested again and jailed. He had applied for the reopening of the proceedings and Gauleiter Murr, the brother-in-law of this Kreisleiter, was not at all interested in reopening the proceedings and so they were kind enough to simplify the affair, to take him to the private concentration camp of the Gauleiter in Wuerttemberg, Welsheim. Thereupon I turned to Himmler in a teletype, to the Higher SS and Police Leader, and they had enough sense of justice to intervene and fetch him out again the next day. Then I sent him to Spain. That's correct.

After he had come back with the Condor Legion he again tried to get his case reopened. I helped him. We had to mobilize all agencies including the Ministry of Justice and the Party Chancellery, the Fuehrer's Chancellery, Himmler, in order to get nothing more than the permission to get the case reopened. This was done in Stuttgart. In March or April 1940, it must have been at this time, because I am told that a number of the witnesses came from the front or from the assembly area in the Rhineland and Dirlewanger was cleared and the treasury was to bear the costs. Neither I nor the SS nor any other agency exerted anything in the nature of pressure upon the court. I was far too unknown to be able to do such a thing at that time anyway, and there wasn't anybody else who could have done it. Dirlewanger now tried to work his reentry into the Wehrmacht. Permission for this was granted and in the middle of August I received this order to set up the brigade, and I had the somewhat foolish idea for me of suggesting Oskar Dirlewanger as leader but I told myself, "He himself is a courageous soldier. In the First World War he led his company in an outstanding manner with much personal understanding." At that time he was over 40, so one could assume that gradually he would become a little more sensible and so to the best of my knowledge and conscience I proposed him.

* * * * * * *

Q. * * *. I now want to turn to the main question, to whom the Dirlewanger unit was subordinated and who was responsible for it. I remind you that during the examination of the witness Vogel, the prosecution stated that you were not being charged with having exercised tactical control of Dirlewanger, apart from the time when you were the military commander in Slovakia. You have already answered this latter question by saying that on 19 September you transferred the commanding function to General Hoefle and that the revolution in Warsaw, in which Dirlewanger participated, was finished only on 4 October. Therefore,

for that reason alone, Dirlewanger could not have been subordinated to you in Slovakia. Is that correct?

A. Yes.

Q. How about the chain of command, the jurisdiction of the Dirlewanger Brigade under your orders?

A. As long as there are soldiers, one person will always be in charge of a body of men, that person who leads that body of men or those troops. The command and the function of the court always belong together in military life.

Q. Of what criteria does the command jurisdiction consist?

A. If I have jurisdiction over a body of men, then I have the right, first, to issue orders to the troops. Second, all of the reports have to be sent to me. Third, depending upon my rank, I have the right to make promotions. Fourth, I have the right to award distinctions and decorations, or to apply for such decorations and awards. Fifth, I handle the court, I am in charge of the court over these people.

Q. Very well. Now, we want to find out whether you were in charge of these five points. Were you able to issue orders to the Dirlewanger unit?

A. Whoever knows of the relations and conditions existing in partisan fighting knows that a long chain of command is absolutely impossible in partisan fighting. There is a distance of approximately 1,800 kilometers between Berlin and Minsk. I didn't have my own means of communication, radio or teletype. For that reason alone it was impossible. Partisan fighting is a war of nerves. It is fighting by day and night, and it is surprise fighting. An area that is still completely at peace one day at noon may be outside of my jurisdiction when the dusk breaks because of the presence of partisans. In other words, a commander must be directly on the spot in order to be able to intervene and issue orders directly.

Q. Witness, doesn't the position of the Higher SS and Police Leader have anything to do with this?

A. Yes. I may describe that now in a few brief sentences. In the East—and the Dirlewanger unit was only used in the East—there were three Higher SS and Police Leaders; in the Northern Sector, in the Central Sector, and in the Southern Sector. The Higher SS and Police Leader of the Central Sector was, first, Mr. von dem Bach, and then Mr. von Gottberg. Von dem Bach was an old SS leader. As far as rank and seniority is concerned —and this can be seen from the seniority lists—he was ahead of me. He was older than I.

I can only assert that the Higher SS and Police Leaders on the other side of the German borders of 1939 were such all-

powerful lords, and they felt that they were the direct delegates of Heinrich Himmler, that they would have rejected any intervention of an outsider right from the start.

Q. To get to the second point, did you receive any reports from the Dirlewanger unit?

A. No. It was very strange when one day in Nuernberg I was shown such a Dirlewanger report. However, that was not sent to me, but it was sent to the SS Leadership Main Office. The report carried a certain number, I believe five or six. That was proof for me that they were sending these reports regularly to this agency. It was addressed to Himmler, and it was a carbon copy. In other words—Dirlewanger's report was dated 1944—one copy went to Himmler, to the Higher SS and Police Leader Central Russia, Gottberg at the time, and one copy went to the SS Leadership Main Office and not to me.

Q. Witness, could you issue any promotions? Please take up book 66–C and look at pages 4 and 5 there. These are Documents NO–2921, Prosecution Exhibit 2387, and NO–2922, Prosecution Exhibit 2388.* I wanted to remind you further concerning the testimony of the witness von dem Bach, according to which, contrary to the usual promotion orders of the Waffen SS, Dirlewanger was promoted, at your suggestion, directly upon order of the Reich Leader SS.

A. I want to speak first about this recommendation for promotion, contained in NO–2921, dated 5 August 1941. One can see the following from this recommendation:

First in contradiction to what the witness said, Oskar Dirlewanger was not on the staff of the SS Main Office. He did not have any pay book from the SS Main Office but his pay book was issued by the Replacement Battalion of the Second SS Infantry Regiment Oranienburg. That is to be expressly found in the first paragraph.

Second, the recommendation was not made by me. This recommendation was made by his then superior officer, Globocnik. I will have something else to say about this Mr. Globocnik at a later time. From Globocnik it was sent to the Higher SS and Police Leader, SS Lieutenant General Krueger, and the latter person, Krueger, confirmed it and approved this recommendation. That is on the fourth page of this document. They then sent it to me. However, they might just as well have sent it directly to the Chief of the SS Personnel Main Office. But I don't want to deny this in any form whatsoever, or shirk any responsibility. If Oskar Dirlewanger was in Berlin, or if he went on furlough, he always paid a visit to my Main Office. There is no doubt

* Both exhibits mentioned are reproduced earlier in this section.

about that. That is true. However, there is something else which is interesting in this promotion recommendation, and it is to be found on page 3. In this letter I say: "I should welcome it if the promotion of SS Captain Dirlewanger—whose papers, as far as I know, are being kept with the Fifth SS Death Head Standarte—should be approved." That is to say, Dirlewanger was on the TO of the Fifth SS Death Head Standarte, not of the SS Main Office, and thus he was not subject to my orders and not subject to my court jurisdiction.

Q. The prosecution has attached great importance to the remark in Document NO–2921 to the effect that Dirlewanger had excelled in leading his Commando in connection with the Jewish internment camp, and that you had approved his promotion. What have you to say in that regard?

A. I didn't know anything about the employment of the leadership of the Jewish camp in Daikow. It was not the task of that commando to supervise Jews or to supervise people for labor, or anything like that. They were to fight, man against man, in wooded areas. I don't know how long this commando stayed there, I cannot tell you that. The supervision of Jewish camps meant the greatest merit for Globocnik. He was not interested in military things at all.

Q. Witness, you are further charged with having protected Dirlewanger constantly and squashed a proceeding against him, and that gives the impression that, as Morgen indicated, the proceeding was started against Dirlewanger because of his alleged cruelty to the Jewish population. What have you to say about that?

A. You are reminding me of the hardest day of my life—and I have experienced quite a lot—when one evening these two witnesses incriminated me with such horrible statements; I never heard anything about such things and I don't believe it. I am first speaking of Dr. Morgen. A proceeding was started against Dirlewanger. That is correct. I ask to look at the court transcript for that. From the transcript you can see that this trial was started not because of cruelties, not because of robberies or spoliation, but because of race defilement, and that was just about the most dangerous thing that could happen to any SS man, being tried for race defilement.

Q. What do you understand by that phrase "race defilement"? That is a German expression.

A. He was charged with having had relations with a very pretty Jewess in Lublin; and during a house search, or during the combing out by the Security Police, he had given certain hints to relatives of this woman, and so on. Whoever knows

Globocnik, and after all, as I am finding out today, Globocnik is the man who carried out this so-called Reinhardt program [Aktion Reinhardt] which was a book with 7 seals for the majority of Germans and also for myself until they came to this place, and Globocnik is the person who instituted Maidanek, for that was in his district. It is completely impossible that a man of such an infernal sentiment would denounce one of his subordinates and start a trial against him because he was cruel to Jews. That is impossible. That was considered as a special merit by this person. You have to be consistent. You cannot say at one moment the document goes one way and then another time the document goes another way.

Q. Could you appoint or dismiss people in this Dirlewanger Brigade?

A. I could not undertake appointments or promotions for the Brigade Dirlewanger. Discharges, I could not do that. There were discharges as a result of welfare action. In Hitler's regulations it was stated that in the case of serious disability or wounds, after people had recuperated from serious wounds they could be discharged from military service if they had passed their 40th year and they were no longer subject to military service. That my very liberal and magnanimous court officer, who had a very warm heart, made use of this possibility to a great extent is certain, as far as I am concerned. But, as the Chief of the Main Office, I had nothing at all to do with these things. That went along automatically and was handled by my court officer, who was a known lawyer all on his own.

Q. How about appointments?

A. Dirlewanger himself appointed people. He could make promotions and appointments up to and including Hauptscharfuehrer [master sergeant], the highest rank of the noncommissioned officer, on the basis of his office. Promotions to a Fuehrer [officer] were not at all in his field because none of the people used there could become an officer unless a long process was gone through.

Q. Could you make recommendations for awards and decorations for the Brigade Dirlewanger?

A. From the documents it can be seen that the decorations and awards were passed out by the competent Higher SS and Police Leader, or by the Chief of the Anti-Partisan Units, von dem Bach, and that they were submitted to Himmler and in the case of the Ritterkreuz [Knight's Cross], even to Hitler. If I may say one thing more here—both the Higher SS and Police Leader that I mentioned here just now, were given the Ritterkreuz and the Chief of the Anti-Partisan Units was given the Oak Leaf, so to speak, for the fighting that he had done with his brigade.

Q. Witness, is it correct what can be seen from page 8 of the document book, that is, Document NO–2923, Prosecution Exhibit 2389,[1] namely, that Bach-Zelewski himself recommended that Dirlewanger be given the German Cross?

A. Yes. That was the proper chain of command.

Q. Witness, who was the judge [Gerichtsherr] of the unit Dirlewanger? You remember that one of the witnesses stated that you were the judge. What have you to say about that?

A. I can say only this. All this has to be proved yet—it has to be proved that I was not the judge. I never received any court documents from Dirlewanger. It would have been out of the ordinary, quite unusual, if I, who was the Chief of the SS Main Office, with my headquarters in Berlin, when my office had not yet reached the significance that it had at the end, that is in 1942 or 1943, if I had taken away from an old SS man as von dem Bach all of his court jurisdiction. Whoever has any insight knows how jealously Higher SS and Police Leaders guarded their competencies outside of the German boundaries.

* * * * * * *

Q. Witness, the witness Bach-Zelewski has stated that up to and including 1942 all of the formations fighting against the partisans were subordinated to him, Bach-Zelewski, and this included Dirlewanger. Is that correct?

A. Yes.

Q. I want to draw your attention to the document on page 22. This is NO–2608, Exhibit 2390,[2] dated June 1943. Don't you see another version here in this document? Doesn't it become evident from this that Bach-Zelewski was responsible for a longer period of time?

A. Yes. I do not know how these conditions were at that moment in this area. Around this time, Bach was the chief of the units fighting the partisans. In other words, he was no longer in Minsk with his headquarters; even if the document is superscribed Minsk, he was in the immediate vicinity of Himmler, on an estate, where he was chief of the units fighting the partisans, on the orders of Himmler, and held the rank of a commanding general of the Army. The Higher SS and Police Leader around that time and until the end, all the time that we were there, until 1 June 1944, was Freiherr von Gottberg. In other words, Dirlewanger was first subordinate to Gottberg and since Gottberg was, in turn, subordinate to Bach, he, Dirlewanger, was also subordinate to Bach.

[1] Reproduced in part earlier in this section.

[2] A report of Bach-Zelewski to Himmler, 23 June 1943, on operation "Kottbus," reproduced earlier in this section.

Q. Is it also correct that from 1943 on, the Reich Leader SS personally took over the court jurisdiction over the Dirlewanger Brigade and then again delegated it to Dirlewanger?

A. That can be seen from the records. The entire question of court jurisdiction around this time I do not know because I did not worry about it. It is sure that the question of rehabilitation and everything connected therewith remained with the SS office until the end.

Q. Witness, in conclusion I want to ask you about the subordination circumstances and refer you to page 56. There you find Document NO–345, Exhibit 2395.[1] Does that document corroborate my opinion—namely, that the participation of your Main Office stopped merely by negotiating with the Ministry of Justice after one of the poachers had rehabilitated himself.

A. Yes. This document is interesting because it is not the Chief of the SS Main Office who is mentioned in first place at the end, but the Chief of the Operational Main Office. That shows that Dirlewanger's unit, even if it is contested, according to the replacements of weapons and other things, was subordinate to the Operational Main Office. And at the end of the war that unit was activated into a division, and if I am not mistaken that division was called the 36th SS Division. The activation of divisions and everything connected therewith was not my task.

* * * * * * *

Q. Well, now I have to ask you this. Did you know anything about those atrocities [in the East]? In that connection I refer you to Document NO–2923, Prosecution Exhibit 2389,[2] on page 8 of document book 66–C; Document NO–2608, Prosecution Exhibit 2390,[3] on page 22 of document book 66–C; Document NO–3028, Prosecution Exhibit 2392,[4] on page 37 of the German document book; and Document NO–2607, Prosecution Exhibit 2393,[5] on page 52 of the German document book. What the witness Bach-Zelewski told us about the fights and so on, please don't go into that again. But I want to ask you whether you have any additions to make to these things that might be of interest to the Tribunal for judging the questions as to whether you can be held responsible for these atrocities or not.

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[1] Reproduced earlier in this section.

[2] Recommendations concerning the award to Dirlewanger of the German Cross in Gold, 9 August 1943, reciting among other things Dirlewanger's participation in numerous anti-partisan operations. Reproduced earlier in this section.

[3] Report from von dem Bach-Zelewski to Himmler, 23 June 1943, concerning operation "Kottbus," reproduced earlier in this section.

[4] Letter of Commissioner Kube to Rosenberg, 3 June 1943, reporting atrocities, reproduced earlier in this section.

[5] Letter from Reich Commissioner Lohse to Rosenberg, 18 June 1943, reporting atrocities, reproduced earlier in this section.

A. Very well. It is certain that the harshest fight that can be waged is the partisan fighting. There are special reasons for that. Am I to go into those reasons?

Q. No, don't do that, not here.

A. I knew that over there in the East people were fighting severely, and particularly one thing happened several times, that the civilian population was chased into barns and were all shot, and it repeatedly happened that the barns were set on fire. The reports about that to the Reich East Ministry, which I received from Minsk, are known to me. I caused Rosenberg at the time to start a severe investigation, and that was done. Bach Zelewski himself testified about that. As soon as the investigation was started, the people simply couldn't remember anything more and they denied everything. In the reports to the East Ministry it is significant and characteristic that nobody was there who participated in these affairs. All of them only heard about it. Mr. Lau heard it from a White Russian, and that White Russian, in turn, heard it from somebody else. The only one who experienced that affair—I want to say this quite distinctly—who experienced this and who testified to that end of it, was Mr. Albin Vogel. And I hope that there will come some time when he will be called to task for his participation in this dirty work. I want to state that in the case of all partisan fighting such unheard-of cruelties are used. Recently I read news from a new theater of war, Palestine, where one Arabian village was attacked; 297 people were slaughtered, and among them were 26 pregnant women. I draw your attention to the book of General Komorowski (Bor). He is the Prime Minister of the present Polish Government in exile in London. Without batting an eyelash, he described the revolution in Warsaw, and he says about it that that revolution was only successful because at the very beginning 1,000 SS men and members of the police were treacherously lured together and murdered. Their uniforms were taken from them and, with the aid of these uniforms, the first large parts of Warsaw and the most important buildings could be occupied. I want to make one more answer about the nature of the partisan fighting. In the Geneva Convention of 1929 it is stated unequivocally that that person is considered a partisan who fights in a uniform, with or without insignia, behind the front, and particularly that person is considered a partisan who fights while in civilian clothes. On the basis of this Geneva Convention the members of the SS Panzer Brigade 150, who made the penetration near Malmedy in 1944 and who were captured while wearing American uniforms, were shot in a fortress near Liege. The reports about this incident—and there were quite a number

of them—I saw. They were introduced in the Skorzeny trial in Dachau.*

Q. Witness, if I'm correctly informed, you, at one time, personally saw the Russian partisan regulations.

A. I studied all of the documents about partisan fighting and about the structure and organization of the partisans from 1928 on.

Q. I want to ask you one thing only: Do you remember that you told me that Stalin classified the soldiers in certain categories?

A. Yes, that's true, but that was only a decree of 1942. Before the winter battle of 1942 Stalin again pointed to the particular importance of the partisans in a new order. He said approximately the following: The infantry soldier bears the main burden of the fight—and he is the soldier who receives the least honor, but without whom one cannot live. However, more important than he is the navy man of whom one demands more work with weapons. The man in the airplane is above the navy man, who has to fight in bad airplanes—he mentioned that expressly—he has to fight in a bad airplane against an enemy who is superior in number and equipment; but the knight of the Soviet Union, as he said, is the partisan, the elite of the Soviet Union, in whom the highest soldierly qualities and virtues are united, with this last fanatical support for Communist world revolution.

Q. You read that?

A. Yes, I wrote about it, too. I issued two or three pamphlets, entitled, "Fighting of the Red Army," "Education of the Red Army," and "The Partisan is the Crowning Glory of the Soviet Soldier," which was distributed in tens of thousands of copies.

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Q. Witness, on Friday afternoon I submitted to you four documents from book 66–C on pages 8, 22, 37, and 52.

PRESIDING JUDGE CHRISTIANSON: Give us the exhibit numbers, will you please?

DR. FROESCHMANN: The prosecution exhibit numbers are 2389, 2390, 2392, and 2393.

PRESIDING JUDGE CHRISTIANSON: Thank you.

DR. FROESCHMANN: Please comment on those documents as far as their contents show that artocities were committed, and I want to know how much you know about these atrocities. Particularly in regard to 2393 on page 37 of the German. These are reports which the Eastern Ministry sent to you as the Chief of the SS Main Office at the time when you were not yet working in the Eastern Ministry. Do you have that document?

* Reference is to Case of United States *vs.* Otto Skorzeny, et al., tried before a General Military Government Court at Dachau, Germany, on 18 August–9 September 1947.

A. Yes. During the year 1942 until early summer 1943 I did not hear of a single document which might have indicated that this Sonderkommando had fought with particular brutality in the East. It was known that in the case of these battles that were always conducted in marshes and woods, they were carried out man against man, one against the other, and therefore the fighting was very brutal. It has been determined unequivocally that for more than 3 months nobody stayed in this unit without being a casualty—either dead or wounded. Dirlewanger himself was wounded seven times. I have no reason to defend him because if he were a man, and please permit me to say this, if he were a regular fellow, then he would have reported now and would not fight in a western army as a highly respected officer. It would have been easy for him to get here under the protection of his uniform.

Q. What army is he fighting in? You don't want to answer that question?

A. No. But this is an affair that is important and that is why I want to mention it.

Q. Now, please comment on Exhibit 2392, and particularly you understand that this is not an eye witness report.

A. In the case of these four reports, the following must be taken into account, but very briefly so that we will get ahead. First, the deputy of Ministerial Director Leibbrandt, Ministerial Dirigent Dr. Braeutigam, who was a witness here,* sent me all these reports. In the first report a Propaganda Chief Lauch writes—that is in Exhibit 2393—about a commitment of troops that he experienced within the scope of the army, the Wehrmacht. It was an undertaking in which units of the armed forces, the police, Dirlewanger, and the OT together under the leadership of the then SS Brigadier General Gottberg of the police fought. As can be seen from these reports, the report drafted by Kube was drafted according to oral reports. The subsequent reports to which this main report refers point out that a certain Dr. Walkewitsch related that a certain gentleman by the name of Sakowitsch had told him that people were chased together and collected in a barn where they were all shot and burned. The only witness who experienced this atrocious dirty work up to this time has been the witness Albin Vogel who told about these events on the witness stand here. Despite considerable efforts made over more than 18 months, I have not been able to find another witness about these events and to clear this matter up.

* The testimony of Dr. Otto Braeutigam is recorded in the mimeographed transcript, 2 February and 27 May 1948, pages 1012–1024 and 6571–6580.

Q. Witness, did you give back these reports that Braeutigam sent you after you investigated them?

A. Yes.

Q. Did Rosenberg then turn directly to Hitler and did he succeed in having an investigation commission of the Wehrmacht check into this affair?

A. There were two investigations; one, the investigation about which I have written here in Document NO–3028.

Q. That is Prosecution Exhibit 2392.

A. When I wrote that letter that investigation was already finished. It was the investigation about which von dem Bach testified here on the witness stand. When these reports came in I, on my own, suggested an investigation. In that conference attended by Meyer and Dr. Braeutigam—

Q. I must interrupt you. You must tell the Tribunal who Meyer was.

A. Meyer was the State Secretary of the Eastern Ministry, the Gauleiter of Northern Westphalia. I have already said that Braeutigam was there. In order not to hush up this affair, this thing was mentioned in a teletype that was sent directly to Hitler where an investigation was demanded. In those two teletypes, for this investigation and also where I suggested the investigation of the Cottbus operation, I drafted the text myself and had Rosenberg sign the text. Himmler took that very much amiss later after he heard about it through some indiscretion. In the case concerned here, the shooting of these people in the barn and then the burning of that barn, an investigation was conducted in which Bach participated and about which we have already spoken. It was established quite clearly at the time, at least whatever you can establish in White Ruthenia, because in such an area unfortunately one could not find out what was fiction and what was truth. At any rate, it was established that these things had not happened, or at least that they had not been perpetrated by the Dirlewanger unit, and I will speak about this later again.

Q. Witness, may I interrupt you. You just spoke about White Ruthenia. Is that the Ukraine territory?

A. White Ruthenia is the northern Ukraine.

Q. May I submit this map to the Tribunal with the prosecution's permission? It's a map submitted by the prosecution.

A. The capital of this region was Minsk.

Q. White Ruthenia is a part of the Ukraine. That is on the right hand side of the map.

A. In contrast to the very productive region of the Ukraine, this is an area sparsely settled, wooded, and with much morass.

Q. Please continue.

A. In the letter that I sent to Braeutigam, to whom I turned back the file, Document NO–3028—

Q. That is Prosecution Exhibit 2392.

A. I still maintain what I said in this letter. This expresses my point of view to be effected. I would have considered it to be my duty as Commissioner General to investigate this affair on the spot myself.

JUDGE MAGUIRE: Witness, are you referring to your letter of 3 June 1943?

A. No. I am speaking of the letter which is contained on page 50 of the German. It's dated 13 July 1943.

MR. PETERSEN: That is page 38 of the English document book.

A. It's directed to Ministerial Dirigent Dr. Braeutigam. "Dear Herr Doctor." I was of the opinion that if the District Commissioner and Commissioner Generals had shown a little more judgment and courage to go to the spot and investigate the affair, that everything would have been found out quickly. But I ask that I be permitted to comment on this letter at a later time in connection with something else. I want to indicate today merely that there was considerable tension in existence at the time between Himmler and Lohse, the Reich Commissioner in Riga on the one hand, in regard to the Baltic Corps. There were tensions between the Chief of the Anti-Partisan Units and Kube, the Commissioner General in Minsk on the other hand, and they were concerned with intentions that were apparently intended to finish off Kube, so to speak, so that he had to turn over his Commissioner General post. Kube himself indicates in his report that the police, the OT, and the Wehrmacht, would fight brutally. In another letter he said that the Schuma, the Ukrainian police guard, would perpetrate such acts, but it is true that at the bottom of his letter he says the regiment Dirlewanger excels in a similar manner. May I now comment on my letter of 13 July—after the poachers were no longer there because the majority of them had fallen in battle. Without my having anything to do with it, all those Party Members of the NSDAP that were in prison, and who had volunteered for this organization by way of the Party Chancellery were sent to this organization.

Q. Witness, I now turn to the letter of Lohse which is to be found in Prosecution Exhibit 2393. That's a report to the Reich Minister for the Eastern Occupied Territories. I now ask you this, did you know that letter at the time?

A. No. I wasn't given that report.

Q. Were the contents of this document later investigated and found to be correct or incorrect?

A. As a result of that document a big investigation was initiated. This was the undertaking Cottbus. In order not to facilitate matters for the foreign intelligence those operations were camouflaged by giving them some names. They were given names of towns or they were given some other fictitious names, beginning of spring, or any other names so that he could refer to these things over the phone without giving any information to foreign intelligence so that they wouldn't know what we were speaking about. In this operation Cottbus, which, by the way, belongs to these operations which didn't turn out, if I may be permitted to say so, they didn't have any success. They didn't disperse the partisans in any way. One can't say that they did. At the end of the operation the Chief of the Anti-Partisan Units sent a teletype to Himmler. This man was von dem Bach. I don't remember the figures mentioned in this teletype. There may be one or two more or less, and that's not important but it said something like this. "The operation Cottbus has been successfully completed. Our own losses, 28 men. Enemy losses, 4,000"—not as it says here, 5,000—there were only 4,000 enemy dead. "Weapons captured, 290 rifles, some mortars," but I don't know the number any more. This teletype, by an error made by the teletypist, was sent directly to Reich Minister Rosenberg before it even reached Himmler and caused, of course, a considerable excitement because Lohse and Kube had sent teletypes on the same day about this very thing to the same agency. A big investigation was started. It was conducted by General Schenkendorf. An investigation commission was appointed by Hitler himself and first it was found out that our own losses were not 28 dead but more than 50 killed. Second, that we had suffered more than 140 seriously wounded of our own. Third, that in the case of enemy dead, the number wasn't 4,000 but 400 and that it was a mistake of the teletypist as it was later called, that 4,000 was given over instead of 400. It is unbelievable but it is really true. The figures that were all made up by these Higher SS and Police Leaders you cannot imagine, that's intolerable; and now the decent people have to stand up and take it upon themselves, and at that time these people couldn't think up exaggerated reports enough to write out.

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Q. Witness, the second and last question about the Dirlewanger chapter refers to Prosecution Exhibit 2394, NO–621,* on page 54 and that's page 42 of the English. From this document the prosecution might conclude that you considered the Dirlewanger unit as your own unit. What do you have to say about this document?

* Letter from Berger to Himmler, dated 19 October 1943, reproduced earlier in this section.

A. Dirlewanger was very attractive. He was one of those people whom one had to guard and supervise constantly. When, by his personal courage and bravery, he had risen in the ranks, the Chief of the Anti-Partisan Units—and Himmler, too—honored him in a special way. If something went well in the case of these operations, then both people mentioned spoke about it, and [said] say, "my unit, that was the one that saved the situation." But if something went wrong or if he conducted himself in an untoward manner, if he had drunk too much, then I was responsible for it. This ironic pathos [bathos], "my unit," that can be discerned from the entire letter, "my unit."

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D. Operation Zeppelin

1. AFFIDAVIT AND TESTIMONY OF PROSECUTION WITNESS SMOLEN

TRANSLATION OF DOCUMENT NG–4726
PROSECUTION EXHIBIT 2071

AFFIDAVIT OF KAZIMIERZ SMOLEN,[1] 27 FEBRUARY 1948, CONCERNING THE KILLING OF APPROXIMATELY 200 RUSSIANS IN AUSCHWITZ CONCENTRATION CAMP IN CONNECTION WITH "OPERATION ZEPPELIN"[2]

I, Kazimierz Smolen, a student from Lublin, hereby swear, state, and declare:

1. From 6 June 1940 to 18 January 1945, I was detained in the Auschwitz concentration camp as a political prisoner. During the first year of my stay, I was given various kinds of work. From June 1941 to the end, I was employed as responsible prisoner [verantwortlicher Haeftling] in the reception office of the Political Department of the concentration camp. This department was the political and police authority in the camp; at the same time, it was the arm of the Reich Security Main Office (RSHA) in the concentration camp. The man in charge of this department was Grabner, who has been sentenced to death and executed since. The department was not directly under the camp commander. The Political Department included the following five

[1] Smolen was called for cross-examination by the defense and his testimony is reproduced immediately following this affidavit.

[2] "Aktion Zeppelin" was translated as "Operation Zeppelin" or "Action Zeppelin." It was the code name for an operation to use Russian prisoners of war for obtaining intelligence. "Operation Zeppelin" was an activity of Amt VI of the Reich Security Main Office (RSHA), the Chief of which was defendant Schellenberg.

subsections: Reception, Identification Section (Erkennungsdient), Registry Office (Standesamt), Records Office (Registratur), and Interrogation Office. The ill-famed Block 11 belonged to the Reception. This Block was used as place of detention for SS members and as place of execution. It was also called quarantine block; in addition, it was called KA, an abbreviation for Kommandanturarrest [place of detention of the Kommandantur] by the SS members.

2. Of the Action Zeppelin I only knew because of the executions carried out in Block 11. The people who were executed were Russians who had arrived in the camp escorted by SD men. In these cases the normal entries otherwise customary in the reception section were not made. Neither were the Russians thus handed in at the reception given prisoners' numbers; the documents containing personal data were returned to the SD men escorting the prisoners, so that the Political Department did not retain any data concerning these people. The code word "Zeppelin" I know from these documents concerning the arrest of the individuals in question. In some of these documents, "person in possession of secret information" was mentioned as the reason for the arrest. I never heard what the "Action Zeppelin" amounted to. This was kept strictly secret, and I do not believe, either, that the SS men employed in the Political Department were informed of it. The Russian prisoners too, avoided, when taken in, to give us any information. I am convinced that they did not, on their arrival, have the slightest idea of the fate which awaited them.

3. If my memory is correct, the taking in and the execution of "Zeppelin" people started in 1942 and ended in the course of the year 1944. At a conservative estimate, the number of people who were taken in during this period—partly singly, partly in groups of up to 10 people—was approximately 200 altogether. After having been taken in, these people never left Block 11; they were murdered by a shot into the neck within 4 or 5 days. The Pole, Pilecki, who was employed in Block 11, told me that all "Zeppelin" people who were taken in were executed within a few days.

I have made this statement voluntarily; no reward whatsoever was promised to me nor was I subject to any compulsion or threat. I have read the two pages of this statement carefully and signed them in my own hand. I have added and initialed in my own hand the necessary corrections and I declare under oath

that all facts stated by me in this declaration are in agreement with the full truth according to the best of my knowledge and conscience.

Nuernberg, 27 February 1948

[Signed] SMOLEN, KAZIMIERZ
Kazimierz Smolen

TESTIMONY OF PROSECUTION WITNESS KAZIMIERZ SMOLEN BEFORE COMMISSION I[1]

DIRECT EXAMINATION

MR. HARDY: Witness, your name is Kazimierz Smolen?

WITNESS SMOLEN: S-m-o-l-e-n, Smolen.

Q. And how is your first named spelled.

A. K-a-z-i-m-i-e-r-z.

Q. Now, Witness, I am going to hand you an affidavit which you have executed. This affidavit is Document NG–4726, Prosecution Exhibit 2071,[2] to be found in prosecution document book 71–C. Now, Witness, would you kindly look over that affidavit and tell me whether that was an affidavit which you executed?

A. Yes.

Q. Do you reaffirm the facts contained in that affidavit?

A. Yes.

Q. Everything contained therein is the absolute truth?

A. Yes.

Q. And you executed that affidavit voluntarily?

A. Yes.

MR. HARDY: I have no further questions, Your Honor. The witness is available for cross-examination.

CROSS-EXAMINATION

DR. MINTZEL (counsel for defendant Schellenberg): Witness, first of all I want to ask you some questions with regard to your person. You are a student?

WITNESS SMOLEN: Yes.

Q. What are you studying?

A. Law.

Q. Where?

A. At Lublin, Poland.

Q. Where are you living?

A. At Lublin, Belianow Street.

Q. Witness, have you testified in other trials before American Military Tribunals?

[1] Smolen's testimony is recorded in the mimeographed transcript, 7 July 1948, pages 11289–11294.

[2] Reproduced immediately above.

A. Yes.

Q. At Dachau?

A. No.

Q. In Nuernberg?

A. Yes, here in Nuernberg.

Q. And in those cases you deposed affidavits for the prosecution also?

A. Yes.

Q. In what cases?

A. In the OKW case,* concerning prisoner of war matters.

Q. Witness, how is it that only towards the end of February 1948 you got the idea to give this affidavit which is the subject of this examination?

A. I didn't give any testimony in Poland and I did not know that I was needed here.

Q. And who brought you to this idea to depose an affidavit for this case?

A. Judge Sehn in Cracow.

Q. Did you, yourself, write down this affidavit?

A. I only gave testimony. I didn't write it down myself.

Q. Therefore you talked to the prosecution representative about this matter. And how was this affidavit brought about then?

A. I didn't understand your question.

Q. How was your affidavit brought? In the form it was given to you by the prosecution for signature? In the form of a draft?

A. No. First of all I made oral statements. Afterward they were put down in writing and after that I signed them.

Q. What about the formulation? The wording, was that your affair—the way it is put down in this affidavit?

A. Yes.

Q. Witness, in the concentration camp you were working as a responsible inmate in the political administration?

A. It was not the political administration but the Political Department.

Q. Can you tell me how old you are today?

A. I did not understand your question.

Q. Can I ask you how old you are today?

A. I am 28 years old.

Q. In this Political Department were inmates employed there who were, in the eyes of the camp administration, especially trustworthy?

A. Yes. All of us had to deal with confidential matters.

Q. Witness, in your affidavit you have stated that from 1942 until 1944, approximately 200 Russians were committed to the

* Reference is to Case 12, the High Command case, Volumes X and XI, this series.

concentration camp Auschwitz, and is it correct when you state that the papers for their commitment would have the entry "Zeppelin, Geheimnistraeger"?

A. The commitment papers which had originated with Gestapo agents mostly at Spago, Oppelen, and Breslau always had been filled in by the Gestapo, and as the reason it was stated, "Zeppelin Kommando" and then "Bearer of secrets" ["Geheimnistraeger"] was put down afterward. The committing agency was never the "Zeppelin Kommando" but it was the Gestapo agencies.

Q. And [on] the entry order was the phrase, "Zeppelin Kommando" or it was stated "Geheimnistraeger"?

A. Yes, "Geheimnistraeger" would be added. Both entries were there.

Q. And the Russians who had been committed did not explain the matter to themselves? They did not know just what the word "Zeppelin" consisted of, or why they had been sent to the concentration camp Auschwitz?

A. We always took in the Russians, and the SS was always present. We could not exactly question them about the meaning. We did not know whether these people really were "Geheimnistraeger" or not but that was what was stated as the reason put down, "Zeppelin Kommando-Geheimnistraeger." However, afterward we asked the SS men when transports arrived at Auschwitz, "What is the meaning of this"? And they would tell us they didn't know it exactly themselves; "they [the Russians] will construct air fields in the East."

Q. Was that all that you know about the alleged tasks of the people of the "Zeppelin" organization?

A. Yes. That is what we heard on the part of the SS.

Q. Witness, did you see how one of these people was executed?

A. I never saw that myself because Block 11 was a separate part. It was completely isolated. That is where the execution took place. However, in our offices in the Political Department, it was always reported when there was a loss and this would come from the block clerk of Block 11. His name was Pilecki.

Q. You stated in your affidavit that, "the Pole, Pilecki, who worked in Block 11, informed me about the fact"?

A. Yes.

Q. Now you state that this information was an official report?

A. It was a report of a loss and that was official, and unofficially he told me what this meant. Of course, I knew that myself.

Q. You stated in your affidavit that the Political Department in the camp Auschwitz represented the arm of the Reich Security Main Office in the concentration camp?

A. Yes.

Q. Did you, yourself, coin that expression?

A. Yes.

Q. May I ask you to explain to us what you mean by an "arm of the Reich Security Main Office in the concentration camp"?

A. By that I mean that the Political Department in the concentration camp Auschwitz was only subordinated strictly to the Reich Security Main Office, or the RSHA. The camp commander [of the SD unit] and the head of the Political Department, Second Lieutenant [Untersturmfuehrer] Grabner, was never subordinated to Camp Commander Hoess.

Q. Witness, do you know that this Political Department in the concentration camp was exclusively subordinated to Amt IV of the Reich Security Main Office,* or RSHA?

A. No. I don't know that; but, for example, I know the marking IV C 2.

MR. HARDY: I trust that counsel, by this statement, in which he is attempting to create a fact by innuendo, is prepared to prove the statement he has made in his question.

DR. MINTZEL: Witness, do you know the commitments to concentration camps were exclusively carried out by AMT IV, the State Police office and the agencies subordinated to it?

WITNESS SMOLEN: I believe the RKPA, [Reichskriminalpolizeiamt] was always subordinate, that was the Reich Criminal Police Office, that was always subordinate to RSHA, and here exactly the RKPA, which was not Office IV, and Einsatzkommandos for example, would also carry out commitments in exactly the same way as did the OKW, Hohenstaufenstrasse. They also made out commitments for the concentration camps. I believe it was supposed to be that the Reich Security Main Office, Office IV, alone was to make the commitments only, but that was never the case.

Q. But you say that the agencies which you have named also carried out commitments?

A. Yes, naturally.

Q. Witness, do you know defendant Schellenberg?

A. No.

Q. During your period of service in the Political Department of the concentration camp Auschwitz, did you ever see a decree from defendant Schellenberg about a commitment into the concentration camp, or another measure with regard to a concentration camp, or in a concentration camp. Did you ever see anything like that?

* The Reich Security Main Office was divided into seven principal divisions, each called an "Amt" or office. The Chief of "Amt IV" was Mueller, the head of the Gestapo, whereas defendant Schellenberg was the chief of "Amt VI."

A. No. I cannot recall anything like that.
DR. MINTZEL: Thank you. I have no further questions.
MR. HARDY: No redirect, Your Honor.

2. CONTEMPORANEOUS DOCUMENTS

TRANSLATION OF DOCUMENT NO–3421
PROSECUTION EXHIBIT 2059

DIRECTIVES FROM MUELLER, 13 OCTOBER 1941, FOR COMMITMENT OF RUSSIANS TO CONCENTRATION CAMPS FOR LABOR PURPOSES "IN ADDITION TO THOSE SOVIET RUSSIAN PRISONERS OF WAR DESIGNATED FOR EXECUTION" AND ASSIGNING REPRESENTATIVES OF AMT VI TO EINSATZKOMMANDOS OF THE SIPO AND SD IN PRISONER OF WAR CAMPS, 25 OCTOBER 1941

The Chief of the Sipo and the SD — Berlin, 13 October 1941
B. No. 639 B/41 g—IV a l c
[Stamp] Secret
Express letter

Subject: Directives for the commandos of the Chief of the Sipo and the SD which are to be assigned to the permanent prisoner of war camps and the transit camps.[1]

Reference: Decrees of 17 July, 21 July, 12 and 26 September 1941, Reg. Nos. 21 B/41 g Rs—top secret. Operational orders Nos. 8 and 9.

Enclosures: ------Enclosure[2]

Herewith I confirm my teletype Nr. 161 610 of 11 October 1941 and repeat its text below.

In accordance with orders of the Reich Leader SS and Chief of the German Police, from now on, in addition to those Soviet Russian prisoners of war designated for execution [zur Exekution bestimmten], Soviet Russians will be delivered to concentration camps also for purposes of labor.

In order to avoid mistakes I order, effective at once, the following:

1. The leaders of the Einsatzkommandos of the Sipo [Sicherheitspolizei, or Security Police] and the SD [Security Service] will inform the commanders of the respective concentration camps beforehand and in time, by teletype, about the day of the pros-

[1] Evidence concerning the assignment and functions of the Einsatzkommandos in these camps is reproduced in the materials on the Einsatzgruppen Case and the High Command Case, Volumes IV, X, and XI, respectively, of this series.

[2] None of the references or enclosures were a part of the exhibit offered in evidence.

908402—52——36

pective arrival and the numbers of Soviet Russian prisoners of war designated to be executed.

2. In each case, the transport leader is to be furnished with a certificate stating that this is a shipment of Soviet Russian prisoners of war whose execution has been ordered by the Chief of the Sipo and the SD.

I request that the leaders of the Einsatzkommandos of the Sipo and the SD will be furnished with the respective instructions immediately.

The surplus copies attached are to be distributed to the leaders of the Einsatzkommandos.

Distribution:

To all State Police Regional Offices

Information

Reich Leader SS and Chief of the German Police
Chief of the Sipo and the SD
Chiefs of the Amt I, II, III, IV, V, VI, and VII
Departments IV D 2, IV D 3 and IV-Foreign Workers
Group leader IV D– SS Major Dr. Weinmann
All Higher SS and Police Leaders
(except in The Hague)
All inspectors of the Sipo and the SD
Commander of the Sipo and the SD in Metz
Inspector of the concentration camps
All commanders of concentration camps

As deputy:

[Signed] MUELLER

Certified

Signed: WOLFERT
clerk

[Stamp]

Secret State Police

The Chief of the Sipo and the SD
Reg. No. 815 B/41 Secret—IV A 1 c

Berlin, 25 October 1941

Express letter

Subject: Directives for the Kommandos of the Chief of the Sipo and SD to be assigned to the permanent prisoner-of-war camps and the transit camps.

Reference: Decrees of 17 and 21 July, and 12 September 1941 Reg. No. 21 B/41 Top Secret, Operational orders Nr. 8 and 9.*

Enclosure: ------Enclosure (n).*

For a better exploitation of the selection of suitable informers of the Russian intelligentsia declared as urgent besides the general classification in my decrees of 17 and 21 July, and 12 and 26 September 1941, representatives of Amt VI of the Reich Security Main Office will be assigned to the Einsatzkommandos of the Sipo and the SD.

In order to preserve uniformity, the representatives of Amt VI will be subordinated to the leaders of the Einsatzkommandos of the Sipo and the SD during their activity in the prisoner-of-war camps. It will be their task to collect, besides generally important informational facts, information about the political, economic and cultural conditions in the Russian areas not occupied *as yet,* by means of questioning and interrogating.

The Soviet functionaries who have been currently reported to the Reich Security Main Office in accordance with my decree of 17 July 1941, and who have been found as suitable, must be employed for this purpose primarily. In as far as they have already been transferred to Berlin in compliance with previous orders, they will be at the disposal of Amt VI likewise.

The interrogation to be made by officials of Amt VI must be carried out in the camps with the closest collaboration with the Einsatzkommandos. I make this understanding and mutual assistance the duty of all concerned.

Reports regarding results are to be submitted by the officials of Amt VI to Amt VI—VI C 1 and, in copy to Amt IV—IV A 1 c.

I request that the leaders of the Einsatzkommandos will be instructed accordingly and be furnished with the attached surplus copies of this decree.

Distribution:

To the liaison officer assigned to the commander of the prisoner-of-war camps in the Government General, SS Major Biska. To the Liaison Officer assigned to the commander of the prisoner-of-war camps in the Military District I, Criminal Commissioner Walter. To the State Police Regional Office in Breslau.

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* None of the references or enclosures were a part of the exhibit offered in evidence.

For information only:

Commanders of the Sipo and the SD Cracow
Radom
Warsaw
Lublin
Lemberg

Higher SS and Police Leader North-East, Koenigsberg
Higher SS and Police Leader, East, Cracow
Inspector of the Sipo and the SD, Koenigsberg
Inspector of the Sipo and the SD, Breslau
Commander of the Sipo and the SD in
the Government General, Cracow

As deputy:

Certified [Stamp] Secret State Police

Signed: MUELLER
[Signed] WOLFERT, clerk

TRANSLATION OF DOCUMENT NG-4724
PROSECUTION EXHIBIT 2069

FILE CONCERNING ZEPPELIN AGENT KOSIN, WITH NOTE OF 5 DECEMBER 1942, STATING THAT KOSIN, AFTER ESCAPE AND RECAPTURE, WAS SENT TO EINSATZGRUPPE B FOR EXECUTION UPON ORDER OF AMT VI OF THE RSHA

Copy

SS Special Camp
Vissokoje

Questionnaire

Name:	Kosin Cover Name: Kascharin
First name:	Georgi
Born on:	15 June 1916
Place of birth:	Susum, Rayon Susum, District Novo-Sibirsk
Home town:	Novo-Sibirsk, October Street 45
Name of father:	Gefim
Nationality:	Russian
Religion:	Believer, *not* connected with any church
Profession:	Bookkeeper
Military rank:	Second Lieutenant
Date of capture:	8 November 1941
Place of capture:	Vyazma
Camps passed:	Vissokoje
Party membership:	Komsomol

Evaluation

As an officer Kosin displays a particular consciousness of his social standing, is mentally well developed and bright. By the schooling in the camp Vissokoje, K. [Kosin] has obtained a clear political attitude. For him the annihilation of bolshevism means the liberty of the Russian people. He is energetic and methodical. For purposes of propaganda and sabotage assignments in the scope of the "Operation Zeppelin", K. seems qualified.

Territory of assignment:

[Handwritten]

Note.—Today Kosin has been sent from Vissokoje to Nohlau by truck. (Identity papers) returned on 8 October 1942.

For the files [Illegible initials] 20 September

SS Special Camp Vissokoje

Local Headquarters, 5 December 1942

Note.—On 9 November 1942, K., together with Nowikow, cover name: Iwanow, and Perepelkin, cover name: Plotnikow, both agents [Aktivisten], left furtively and without reason the SS Special Camp Vissokoje. While N. and P. are still at large, we were able to recapture K. He was sent by order of the RSHA, Amt VI, to Einsatzgruppe B, Smolensk, for Special Treatment [Sonderbehandlung].* Necessary measures for the recapture of the other escapees have been taken by Einsatzgruppe B.

[Signed] GOEBEL
SS Corporal

* In its judgment (sec. XV, Vol. XIV), the Tribunal stated: " 'Special Treatment' in the jargon of Nazi Germany meant death, as has been fully established before these Tribunals."

TRANSLATION OF DOCUMENT NO–5444
PROSECUTION EXHIBIT 2067

FILES CONCERNING ZEPPELIN AGENT KOPYT, WITH NOTE OF 5 DECEMBER 1942, STATING THAT KOPYT HAD BEEN EXECUTED AND THAT "MORE CAN BE SEEN FROM REPORTS" MADE TO AMT VI, DEPARTMENT C Z, OF THE RSHA

Sphere of Activity: *Action*
Assignment:
Execution:
Equipment:

*Personnel Questionnaire**

Family name:	Kopyt
First name:	Matwei (Mathias)
Born on:	16 November 1902
Birthplace and district:	Pawlitschi, District Klingovski, Orlowskai area
Profession:	Locksmith
Family status:	Married, one daughter
Nationality:	Ukrainian
Last residence:	Moscow, Gerzena Street 11, Apt. 10
Party membership:	1931–1935
First and last name of father:	Pawel Kopyt
First name, family name, and maiden name of mother:	Pelajeja K., nee Katjankowa
Unit:	Infantry Regiment 1290; enlisted on 6 July 1941 in Moscow
Rank:	(School) Unteroffizier (built bunker)
Deserted or taken prisoner?	Taken prisoner on 3 October 1941 at the river Disna, (between Roslavl and Vyazma,

Personal data and fate of family:

Father was a farmer and was expropriated in 1930.

Identification papers turned over:
Pass:
Name:
Issuing authority:
Date of issue:

* A sheet of paper containing Kopyt's personnel data in handwriting was part of the original exhibit.

Assignment: (*a*) Date:
(*b*) Task
Return to:

SS Special camp Vissokoje O.U. 5 December 1942

Memorandum:

As a result of various things which happened in the meantime at the special camp Vissokoje, K. [Kopyt] was given the special treatment on 25 November 1942 by order of SS Brigadier General Naumann[1] of Einsatzgruppe B. More can be seen from the reports of SS Captain Sakuth to the RSHA, Amt VI, Department VI C Z.[2]

[Signed] GOEBEL
SS Corporal

PARTIAL TRANSLATION OF DOCUMENT NO–5446 PROSECUTION EXHIBIT 2068

SS FILE ON MICHAEL KOSCHILEW, JANUARY TO DECEMBER 1942, CONCERNING KOSCHILEW'S POSSIBLE STATUS AS AN AGENT AND A NOTE INDICATING THAT KOSCHILEW WAS EXECUTED ON 25 NOVEMBER 1942

1. Questionnaire of Koschilew, undated

Action:
Sphere of activity:
Assignment:
Execution:
Equipment: (Handwritten) D—Koschilew

Personnel Questionnaire

Family name:	Koschilew
First name:	Michael
Born on:	14 November 1918, Mitrijewka
Birthplace and district:	M., District Pakrowo-Marfinski, Tambov area.
Profession:	Shipbuilder (mechanic)
Family status:	unmarried (Russ-Orthodox religion)
Nationality:	Russian

[1] SS Brigadefuehrer (Brigadier General) Erich Naumann was a defendant in the Einsatzgruppen case. See volume IV, this series.

[2] In his examination, defendant Schellenberg stated that VI C Z meant Operation Zeppelin. See extracts from his testimony reproduced later in this section.

Last residence: Until 1938 in Moscow, Fortogo No. 101/24

Party membership: no

First name and surname of father: Wassili Koschilew, peasant, living

First name, family name, and maiden name of mother: Darja K. nee Alezandrowa

Military unit: No service

Rank:

Deserted or taken prisoner?

Personal data and fate of family:

Koschilew has worked for Referent IV of Einsatzgruppe B in Smolensk since 29 January 1942

Identification Papers turned over:

Pass:

Name:

Issuing authorities:

Date of issue:

Assignment: (*a*) Date:
(*b*) Task:

Return to:

2. Memorandum from the Office of the Town Major in Stodolischtsche to Security Division 286, 17 January 1942, concerning Koschilew's Status

O.K. II (V) 364

Stodolischtsche, 17 January 1942
[Stamp]
Security Division 286 Dept. Ic.
Arrived 18 January 1942
Enclosures 3

To the Security Division 286, Dept. Ic.

Reference:

Subject: Surveillance of non-residents

The office of the Town Major [Ortskommandant] herewith submits enclosed copy of an interrogation of a certain Koschilew and requests information as to what should be done with him.

The office of the Town Major is convinced as a result of this interrogation that the man is actually a spy, only the question is, if in Russian or German service.

A more thorough interrogation by some specially trained counterintelligence agents would probably be worthwhile.

[Signed] KRANZL
Captain and Town Major

3 enclosures
[Handwritten illegible note]

3. Communication from Einsatzgruppen B to Amt IV, Reich Security Main Office, 5 February 1942, commenting upon Koschilew's interrogation and requesting pertinent information

Einsatzgruppe B — Smolensk, 5 February 1942
Diary No. 314/42—IV

Secret

1. To write:
To the Reich Security Main Office—Amt IV
Berlin NW 11
Prinz Albrecht Str. 8

Subject: Michael Koschilew, born 14 November 1918, in Dimitrow, District Tambow, last residence in Moscow, Gorki Street 101/24, at present here in prison.

Reference: None
Enclosures: None

K. [Koschilew] was assigned here by the Counterintelligence Office III and is at present in prison. He states that in the years 1936–1937 that he worked for German offices, namely, as V-man for the Gestapo for a certain Keller in Moscow. He claims to have received an assignment from this man in 1936 to blow up the coal station 1 at Spitzbergen. This was allegedly not successful but he blew up station 2 instead. He claims that he later carried out an assignment to blow up the radio station on Wrangel Island. He claims further that on Keller's orders he sank, with the help of two stokers, the ships "Ultika" and "Somj" which were carrying secret documents from Vladivostok to Murmansk. In 1937 he claims that, acting under orders, he destroyed radio communication between "Schmidt" island and the steamship "Sibirjak" by blowing up the electricity plant on "Schmidt" island; in the same year he also claims to have blown up a radio station in Moscow. In 1937 he also succeeded in getting the plans for the newly constructed airplane of Professor Prokofjew by taking photographs.

In February 1938 he claims to have been sentenced along with three other Russians to 7 years in prison on suspicion of espion-

age for Germany. He only escaped the death penalty through agents of Keller. Upon the entrance of the German troops into Smolensk, he claims to have served part of his sentence here and to have been released by the German soldiers.

K. makes a very convincing impression. What is known there about him or what can be established? I request immediate radio reply.

2. For transmittal to IV. [Initial] N
SS Senior Colonel

[Handwritten note] to RSHA through Teletype. [Illegible initial]
M u 15 March 1942
10 February
[Illegible initial]

4. Radio message from the Reich Security Main Office to Einsatzgruppe B, 27 March 1942, stating that Koschilew's claims of having acted as a German agent are not known to either Amt IV or Amt VI

Radio Service of the Security Police and Security Service

[Symbol] Pue.

Received Space for Receiving Stamp Sent out

Time Day Month Year
27 March 1942

from through [Handwritten] 314/42 to through
Knue

Telegram—Radio—
Teletype—Telephone

Secret!

Berlin No. 8197
To the Einsatzgruppe B

Subject: Michael Koschilew, born 14 November 1918 in Dimitrow

Reference: Your letter of 5 February 1942 Diary No. 314/42 IV.

Above-mentioned person as well as the contacts mentioned by him are absolutely unknown in AMT IV and VI.

Reich Security Main Office IV A 1 b:
Signed: VOGT

[Illegible handwritten note, crossed out by hand]

Certified
[Illegible initial]
SS M/Sergeant
[Illegible handwriting]

5. Second questionnaire together with an evaluation of Koschilew, undated

Copy

SS Special Camp, Vissokoje [photograph]

Questionnaire

Name:	Koschilew [Handwritten] Alias: Koschilew (remains the same because will be used in area [where he] previously lived).
First name:	Michael
Born on:	14 November 1918
Birthplace:	Village Dmitriewka, Tambow area
Residence:	Moscow, Gorko Street No. 101
Father's name:	Wassiljewitsch
Nationality:	Russian
Religion:	Orthodox
Profession:	Ship's Mechanic 2d class
Military rank:	Reported voluntarily to the German Staff
Date taken prisoner:	on 16 January 1942, village Stodolischtsche.
Camp belonged to:	
Party membership:	no party

Evaluation

Koschilew has a secure, decisive appearance and is consistent. His political attitude is strong and clear. The training in the Wissokoje camp and his collected impressions on his trip to Germany (24 June–1 July 1942) have without a doubt convinced K. that bolshevism must be destroyed.

He is a daredevil.

K. seems best suited for sabotage acts within the sphere of "Operation Zeppelin."

Einsatz area:

6. Note by SS Corporal Goebel of SS special camp Wissokoje, 5 December 1942, stating that Koschilew had been given special treatment

SS Special camp Vissokoje O. U., 5 December 1942

Memorandum:

As a result of various things which happened in the meantime at the special camp Vissokoje, K. was given the special treatment [Sonderbehandlung] on 25 November 1942 by order of SS Brigadier General Naumann of Einsatzgruppe B. More can be seen

from the reports of SS Captain Sakuth to the RSHA, Amt VI, Department VI C Z.*

[Signed] GOEBEL
SS Corporal

TRANSLATION OF DOCUMENT NO-5445
PROSECUTION EXHIBIT 2066

FILE OF ZEPPELIN AGENT PLEWAKO, WITH NOTE OF 5 DECEMBER 1942, STATING THAT PLEWAKO HAD BEEN EXECUTED AND THAT "MORE CAN BE SEEN" FROM REPORTS MADE TO DEPARTMENT VI C Z OF THE RSHA

Action
Sphere of Activity:
Assignment: [Photograph]
Execution:
Equipment:

Personnel Questionnaire

Family name:	Plewako
First name:	Iwan
Born on:	15 May 1898
Birthplace and district:	*Village*: Schelkowskaja, District Wladikowkas, Tersk area
Profession:	Lieutenant Colonel
Family status:	Married, 3 children religion: Russ-Orthodox
Nationality:	Don-Cossack
Last residence:	Pugatschew, District ditto, Saratow area
Party membership:	1928–1933 (expelled)
First and last name of father:	Semjen Plewako, farmer, died 1910
First name, family name, and maiden name of mother:	Jewdokija P. died 1913
Military unit:	Most recent: 82 Cavalry Division, 206 regiment as commander.
Rank:	Lieutenant Colonel
Deserted or taken prisoner:	20 July 1942 near Bjeloj

* Another report of special treatment of one Plewako was made on this same date, 5 December 1942. The same language was used in making the two reports. Compare the last paragraph of Document NO-5445, Prosecution Exhibit 2066, reproduced immediately below.

Personal data and fate of family

P. [Plewako] was expelled from the party because of position against introduction of Kolchossystem.

P. was imprisoned at the time of the shooting of various Red Army Generals in 1937 because he was suspected of having taken part in the plans and enterprises of Generals Ubarevitch, Tuchachevski, etc. At the time P. led a regiment school under Ubarevitch and for it received 1500 rubles for successful work. This reward, from U., later established by the NKVD, substantiated the suspicion that Plewako had worked together with the above named generals.

Identification papers turned over:

Pass:

Name:

Issuing authorities:

Date of issue:

Assignment: (a) Date:
(b) Task:

Return to:

Local Headquarters, 5 December 1942

SS Special Camp Vissekoje:

Memorandum:

As a result of various things which happened in the meantime at the special camp Vissokoje, P. was given the special treatment on 25 November by order of SS Brigadefuehrer Naumann of Einsatzgruppe B. More can be seen from the reports of SS Hauptsturmfuehrer Sakuth to the RSHA Amt VI, Department VI C Z.

[Signed] GOEBEL
SS Corporal

TRANSLATION OF DOCUMENT NG-4719
PROSECUTION EXHIBIT 2061

TELETYPE FROM DEFENDANT SCHELLENBERG TO HIMMLER, 11 DECEMBER 1942, CONCERNING DELAYS IN AIRCRAFT OPERATIONS IN CONNECTION WITH "OPERATION ZEPPELIN"

[Stamp]
Personal Staff Reich Leader SS
Archives
File No. Secret / 81/17

Copy of the Teletype No. 8857 of 11 December 1942 of SS Colonel Schellenberg to Reich Leader SS

Secret! Urgent, please submit immediately

To the Reich Leader SS and Chief of the German Police
Field Command Post

Subject: Operation "Zeppelin," aircraft operations.

The airforce officer Captain Gartenfeld of the Reconnaissance Group of the Commander in Chief of the Air Force, who is the competent officer for operations involving the dropping of agents by aircraft, has reported surprisingly that as a result of the bad weather situation on the Eastern Front, the continuation of air operations (for military counterintelligence as well as for the SD) could not be counted on before about March 1943. This countermand will first of all prevent the operation of five specially qualified groups of agents [Aktivisten-Gruppen] who had been working together for months and whose transfer in the Russian hinterland had been repeatedly promised for sure by Captain Gartenfeld, on 25 November 1942 for the last time.

It should also be mentioned that even during the unfavorable months as regards weather, operations of German and enemy aircraft are constantly carried out over widespread areas, and that the Soviets themselves last winter dropped agents, even during the most severe cold, well behind the German lines.

Signed: SCHELLENBERG
SS Colonel

Copy certified correct
[Signed] RAAB
SS Captain

TRANSLATION OF DOCUMENT NG–5220
PROSECUTION EXHIBIT 3465

MEMORANDUM FROM THE DOCTOR OF THE SPECIAL UNIT IN BRESLAU TO THE COMMANDANT OF THE SS SPECIAL CAMP IN BRESLAU, 28 JANUARY 1943, STATING THAT TWO ZEPPELIN AGENTS HAVE TUBERCULOSIS

To the Commandant of the SS Special Camp, Breslau

The two sick agents, Gatschkow who is at this time in the camp, and Semjenow who is at the All Soul's Hospital, according to my diagnosis, have pulmonary tuberculosis in the second to third stage.

[Signed] RASUMOVSKI
Physician, Special Unit
First Lieutenant

Breslau, 28 January 1943

[Stamp] To the Files. [Handwritten] I A–232

TRANSLATION OF DOCUMENT NG–5221
PROSECUTION EXHIBIT 3466

LETTER FROM SS CAPTAIN WEISSGERBER OF SONDERKOMMANDO ZEPPELIN AT BRESLAU TO THE SS SPECIAL DETACHMENT AT AUSCHWITZ, 28 JANUARY 1943, REQUESTING SPECIAL TREATMENT FOR TWO TUBERCULAR ZEPPELIN AGENTS PURSUANT TO AN ORDER OF AMT VI C I OF THE REICH SECURITY MAIN OFFICE

Breslau 10, 28 January 1943
Schiesswerderplatz 25
Telephone: 41252

[Handwritten] 1 A—212/43 SS Sonderkommando "Zeppelin"
We./Brs.

To the SS Special Detachment [SS—Sondereinheit] Auschwitz
Attention SS First Lieutenant Huhn
Auschwitz

Subject: Delivery of sick agents [Aktivisten]

Reference: Letter of the RSHA VI C 1 B. No. 54120/42 of 1 December 1942

The following agents:

(1) Semjenow, Jakow, born 30 September 1916

(2) Gatschkow, Wassili, born 20 October 1918 have been treated here and suffer from TB of the third degree. Any

further treatment here is impossible. Referring to the order of the RSHA VI C 1 of 1 December 1942, regarding the delivery of sick agents, paragraph III (incurable patients), it is asked to give them special treatment. At the same time notice of the delivery is given from here to the RSHA.

BY ORDER:

[Signed] WEISSGERBER
SS Captain

[Stamp]

To the files. [Handwritten] 1 A–232

TRANSLATION OF DOCUMENT NG–5222
PROSECUTION EXHIBIT 3467

MEMORANDUM FROM SPECIAL KOMMANDO ZEPPELIN, RECEPTION CAMP AUSCHWITZ, TO THE POLITICAL DEPARTMENT OF AUSCHWITZ CONCENTRATION CAMP, 29 JANUARY 1943, REQUESTING A REPORT AFTER THE EXECUTION OF AGENTS SENT TO AUSCHWITZ FOR SPECIAL TREATMENT

Security Police and SD
Sonderkommando Zeppelin

Auschwitz, 29 January 1943
[Stamp] Secret!

Reception Camp [Vorlager] Auschwitz

Original Top Secret

[Handwritten] Journal No. 174/43 II

To the Auschwitz concentration camp, Political Department
For the attention of SS Second Lieutenant Grabner
Auschwitz

The agents whose names appeared in the enclosure are being brought here with request that they receive special treatment.

It is requested that a report be sent that the action has been carried out.

BY ORDER:

Signed: DRAF
SS Staff Sergeant

TRANSLATION OF DOCUMENT NG–5223
PROSECUTION EXHIBIT 3468

MEMORANDUM FROM CONCENTRATION CAMP AUSCHWITZ TO SPECIAL KOMMANDO ZEPPELIN IN AUSCHWITZ, 6 FEBRUARY 1943, AND NOTE FROM JOURNAL OF THE SPECIAL KOMMANDO ZEPPELIN IN AUSCHWITZ, SHOWING COMPLIANCE WITH ORDER TO EXECUTE AGENTS AND NOTIFICATION TO SS CAPTAIN WEISSGERBER

Auschwitz, 6 February 1943

Concentration Camp Auschwitz
Department II
File Reference: KL 14 k 4/2. 43/Ki

In original with 1 enclosure returned to the—
Security Police and SD
Sonderkommando Zeppelin

Reception Camp Auschwitz, in Auschwitz Upper Silesia with the notification that the persons referred to previously have been put into separate quarters.

[Stamp]

Chief of the Security Police and the SD
VI C/3
Preliminary Camp Auschwitz
BY ORDER: [Signed] PFLAUM

[Stamp] Secret

Journal No. 174/43–g.VI.

In original, returned to the Chief of the Sipo and SD, Breslau —SS Sonderkdo Zeppelin—for the attention of SS Captain Weissgerber.

In Breslau, with the above report of compliance.

[Signed] [illegible]
SS Lieutenant Colonel

3. TESTIMONY OF DEFENDANT SCHELLENBERG

EXTRACTS FROM THE TESTIMONY OF DEFENDANT SCHELLENBERG*

DIRECT EXAMINATION

* * * * * * *

DR. MINTZEL (counsel for defendant Schellenberg): We will now turn to another chapter involving a set of charges raised by the prosecution which is the participation of defendant Schell-

* Further extracts from the testimony of defendant Schellenberg are reproduced in Volume XII, section VI G.

enberg in the Operation Zeppelin. In document book 71–C the prosecution has introduced a number of documents whereby they wish to demonstrate (1) representatives of Amt VI [of the RSHA] that is, the defendant's Amt, were to have the possibility to go to prison camps in the East for the purpose of conducting interrogations there, and (2) they were to select prisoners of war who might be suitable to fit into an organization to be established by Amt VI, that is, the so-called Operation Zeppelin, and they were to act as agents against Soviet Russia and to be trained for that service. In connection with the selection to be made among suitable prisoners of war and in connection with the further treatment they were to receive, Amt VI and Operation Zeppelin are supposedly to have maintained contact with Einsatzkommandos and Einsatzgruppen, and finally members of the staff of the Operation Zeppelin are supposed to have been killed illegally. * * *

* * * * * * *

In that case,* be good enough now to give us a description and further details concerning the Operation Zeppelin.

DEFENDANT SCHELLENBERG: I once more give a short survey. Among the population of the Soviet Russian area occupied by us and among the millions of Russian prisoners of war taken, already after a short time in increasing measure a well-operating Russian espionage system was recognized as being in existence. This Soviet espionage system also worked with the aid of German prisoners of war who had been specially trained in the Soviet Union for that particular type of service. It was specifically these Germans who, after being processed from the front, had the duty mainly to transmit intelligence. Due to the speed with which military operations progressed, our own survey of the condition became beclouded, and the military as well as the political operational staffs very heavily criticized why on our part the intelligence service wasn't exploiting all possible means. Thereupon, I was issued the strict and clear order that likewise on my part I was to use Russian prisoners of war for intelligence service on behalf of Germany in the Soviet Union. In the prisoner-of-war camps a selection was now made to find Russians who were enemies of Soviet Russia and who volunteered to serve as agents. There were numerous such persons. All of these persons were willing to work for Germany, and accordingly they were well treated and this was a matter of course, actually,

* In the testimony concerning Operation Zeppelin, defendant Schellenberg discussed an extract of the record of his interrogation by representatives of the prosecution. This extract is not reproduced here. Defendant Schellenberg testified that "my interrogations at that time were much more extensive and went into far greater detail," and stated that the interrogation record was not submitted to him for signature.

because in view of the fact that they had volunteered to serve us they were undertaking a duty which put them into service against their former fatherland.

As far as we were concerned our task was a difficult one. Inasmuch as if, later on, once these people had been deposited in Russia by airplane or if they had been processed through the front lines, they would be removed from whatsoever influence the Germans could have exercised on them. Merely to give them a promise of paying them or just merely to treat them well, that would not have been a sufficient reason to make any such assignment an effective one in its development. Therefore, what actually had to be done was to win people in our favor who were really enemies of the Soviets.

Such selected people were especially trained for their intelligence service in Russia. They were given radio training and with a view to the subversive activity they were to be assigned to in the respective areas, they received training accordingly. These were the large outlines of work which were being pursued by me and which orders I issued to the chiefs in charge of this Zeppelin operation, and this was one of the thirteen Referate in the group which handled intelligence service in the Japanese-Russian sphere. The operation itself was started on a large scale, that is, we were working on the basis of the principle of mass assignments in order to achieve as many intelligence results as possible, and accordingly thousands of agents were trained with that in mind. These agents spontaneously and voluntarily called themselves—I can't remember the name in Russian—Aktivisten. Maybe in conclusion you will permit me to say that the very good psychological treatment that these Soviet people received went so far, that very often I had great difficulties with the internal political and other police agencies. I organized—or rather those Referate responsible to me—sightseeing trips in busses through Germany. Those people visited plants, works. They lived on German farms. All of this was done on the basis of the deliberation to train them and to win them really in our favor for their future assignment in Russia, and thus to give them an idea of what they had not yet understood about Germany. Now, to speak of any forcing or duress exercised on these people to win them in our favor, this was absolutely out of the question in view of what I stated before. I think this will answer the question.

Q. Now, let us refer to the documents introduced by the prosecution in order to establish a contact, in the selection made of these Activists with other selection measures were undertaken in prisoner-of-war camps. I refer to Document NO–3421, Prosecution Exhibit 2059,* page 1 of prosecution document book 71–C,

* Reproduced above in this section.

which contains guiding outlines and principles of what was done in the permanent and temporary prisoner-of-war camps, and the Kommandos of the Chief of the Security Police employed there. Will you please comment on this now?

A. This is an express letter, dated 25 October 1941, and it speaks of Kommandos. These Kommandos are by no means subdivisions of the well-known Einsatzgruppen in the East, which also was composed of Einsatzkommandos. The Kommandos under discussion in this letter were special Kommandos of the Gestapo, and these exercised special activity in the prisoner-of-war camps. If you will refer to the Einsatzbefehle, introducing these letters, numbers 6 and 9, you will find this contained, I was shown these here in Nuernberg, and I was given a chance to study these in great detail.

Q. These Kommandos mentioned in these Einsatz reports, were they subordinated to you, these Kommandos which were responsible for collection in the camps? Did you have anything to do with these Kommandos?

A. No, I didn't. As a matter of course I didn't. I had nothing to do with any of these Kommandos. They were not subordinated to me, and these Kommandos had just as little to do with the Secret Intelligence Service of Amt VI as the Einsatzgruppen in the East, which I previously mentioned. They had just as little to do with it. The prosecution introduces this express letter of 25 October 1941.*

Q. English page 2.

A. The contents of this letter show that Amt VI merely received permission that special representatives be sent to the concentration camps for intelligence interrogations and for the purpose of determining the suitability of prisoners of war to seize as agents. It was for this purpose only that representatives were sent into the prisoner-of-war camps. In the express letter it says that these representatives of the Gestapo which were sent to the Einsatzkommandos active in the respective prisoner-of-war camps, should conduct their interrogations in collaboration with the Kommandos. But under the word "collaboration," all that is meant to say is that, seen from the point of view of the SS organization and service, this couldn't be avoided; it was essential. If representatives of the Intelligence Service [Amt VI], who after all worked in the same over-all organization of the RSHA, would have appeared in these camps they would not have paid any respect to these commandos and would not have worked with them. This would have been out of the question. In any

* The second item in Document NO-3421, Prosecution Exhibit 2059, reproduced earlier in this section.

case, I want to state that the work of these representatives of Amt VI did not in any way extend beyond intelligence interrogations, and the collecting of suitable agents for the intelligence service.

Q. Witness, be good enough to refer to the next document, which is a letter addressed to the Einsatzgruppen A–D, page 10 of the prosecution document book 71–C, Exhibit 2062.[1] Was this order for reports to be made on Soviet Russian concentration camps, that is, concentration camps which were operated in the non-occupied Russian areas by the Soviet Government, issued by you?

A. No. It wasn't issued by me but it emanated from the Referat of the Operation Zeppelin, and they probably received this from another organizational sector of the intelligence service, in the form of an order. Furthermore, I wish to say that the document shows that the agency handling the operation drive for the purpose of procuring data concerning the situation and conditions in concentration camps maintained by the Soviets in the nonoccupied Russian zone, were made necessary. An order was given to procure data concerning such situations probably to work out a report which had to be submitted. I'm convinced that the same organizational sector also sent the same order to secret intelligence points in Moscow, or Magnitogorsk, or Kuybisher, or other points.

Q. Witness, the order to render a report, which was addressed to the Einsatzgruppen A–D, did this have anything to do with the illegal activity of these Einsatzgruppen?

A. No. The document itself shows that this is a special order for the purpose of acquiring special intelligence on certain conditions, that is, on situations and conditions in the Russian camps. It was known to the agency responsible for the Operation Zeppelin that, pursuant to the Wagner-Heydrich agreement in the rear army areas of the occupied Russian area, police measures were being carried out. For that reason, this inquiry was addressed to these agencies. If the [secret] Field Police had continued still to be active in that area, they would have had to apply to the Field Police. For the Einsatzgruppen in the East carried on police security measures by order of the army.

Q. Mr. Schellenberg, please refer to document book 71–C once more, English page 8, German page 10, the document which reproduces your telegram to Himmler.[2] Please be good enough to comment on this document.

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[1] Document NG–4720 is not reproduced here.

[2] The reference is to Document NG–4719, Prosecution Exhibit 2061, reproduced earlier in this section.

A. This is a telegram which contains a report made to Himmler on 11 December 1942. At that time Himmler was in charge of the RSHA himself, in view of the fact that in June 1942, Heydrich was assassinated. The later successor [to] Heydrich, Kaltenbrunner, only came into office in January 1943. For this entire interim period Himmler was, practically speaking, my superior; therefore, it was my duty to send such reports to him. The reason for the report was that the agents to be assigned for the Operation Zeppelin required aircraft and the necessary aircraft was not available, at least not in such numbers. And I had to mention this reason in the report in order to solicit the assistance to induce the Luftwaffe, perhaps, to issue 20–30 aircraft more to me for the purpose. I remember that, in view of the gasoline shortages existing at that time, the Luftwaffe gave us difficulties. Furthermore, the report also corroborates the testimony I gave before on the subject of the strong activity exercised by the Russian secret service in Germany, in the German rear area, the apparatus being directed against us was much larger than our own.

* * * * * * *

Q. Witness, the prosecution proceeds to introduce a number of documents concerning four Russian volunteers of the Operation Zeppelin by names of Plewako, Kopyt, Koschilew, and Kosin. These are documents shown on page 17 of the English version—page 17 to page 26, inclusive, document book 71–C.* The documents show that these are members of the staff of Operation Zeppelin and that they were killed, due to special incidents that arose. Will you please be good enough to comment on these documents too?

A. These incidents and the documents are absolutely unknown to me personally. I saw them and studied them here for the first time. On the basis of the documents therefore that have now been shown to me, I can comment on these matters by using only these documents as contained in the document books. I would now like to give an idea as it comes to me concerning the development that matters took at that time. First of all, I wish to refer to a document which deals with the name of Koschilew. This is a letter of the local Kommandantur in Stodolischtsche, dated 17 January 1942.

MR. HARDY: For the sake of the record, we should like the reference of this document that you're quoting from now. Is it a new document or just what is it?

DEFENDANT SCHELLENBERG: No. That's your document.

* Document NO–5445, Prosecution Exhibit 2066; Document NO–5444, Prosecution Exhibit 2067; and Document NG–4724, Prosecution Exhibit 2069, all reproduced earlier in this section

MR. HARDY: Well, which one is it, please?

JUDGE MAGUIRE, Presiding: What exhibit number?

DR. MINTZEL: Your Honors, this is a prosecution document, book 71–C, Prosecution Exhibit 2068,* German version page 26. Mr. President, please permit me to say the prosecution in the regular manner has introduced the entire document referring to this case Koschilew, and a photostat of the entire document is available, but in the English document book, and much regrettably so, a great number of the pages are missing. I will take the liberty on my part to enter the missing pages and supplement them in the English translation, if Your Honors please.

JUDGE MAGUIRE, Presiding: Are these missing portions of the document in Schellenberg's document books?

DEFENDANT SCHELLENBERG: Yes.

DR. MINTZEL: Yes, Your Honor, they are contained in the German document book, but not in the English document book. It is the contention of the defense that these missing pages are of great significance.

JUDGE MAGUIRE, Presiding: I'm afraid you did not understand me. In the document books which defendant Schellenberg is putting in, are the missing portions of the record there to be found? Have you put them in there?

DR. MINTZEL: Not as yet, Your Honor.

JUDGE MAGUIRE, Presiding: All right. Proceed.

DR. MINTZEL: Witness, will you be good enough to comment on those portions of the document contained in the German document book? I would ask you to take the short letter of the local Kommandantur and read it to us, because it seems that the text is not available to the Tribunal.

DEFENDANT SCHELLENBERG: I don't want to enter into all the details of the case, but as my defense counsel is asking me to read this part, I'll do so. It is a letter from the Kommandantur, probably from a very small town called Stodolischtsche, dated 17 January 1942, and it reads:

> "To the Security Division 286, Department I–C. Subject: Surveillance of strangers in the community. The local kommandantur transmits in the enclosure a transcript concerning the interrogation of a certain man by the name of Koschilew, and asks that information be given as to what is to be done with the man. The local Kommandantur, based on the interrogation, is of the opinion that this man is actually a spy, and the question now is whether he's serving the Germans or serving the Russians. A more specialized interrogation by especially trained intelligence agents would probably be worthwhile."

* Document NO–5446, reproduced in part above.

And then there are further statements that are not of interest to this case.[1]

MR. HARDY: Your Honor, I have a question as to whether that translation is "special treatment" or "special training."

THE COURT INTERPRETER: Special training.

DEFENDANT SCHELLENBERG: Special training. The further transcript of the interrogation clearly shows that in the case of Koschilew, this concerns a man who was trying to smuggle himself into the Operation Zeppelin by order of the NKWD, under the pretext that already at an earlier date, prior to the German-Russian war, he had worked as a German agent. The document book then contains the investigations that were made, based on statements made by Koschilew himself, and they show clearly that the testimony he gave was not in accordance with actual facts. I refer to page 32 of the German document book—page 32—page 7 of the original document. I refer particularly to the telegram reproduced there, a letter of the RSHA to the responsible Einsatzgruppe B.[2]

Q. Witness, did Amt VI, or did you receive any report concerning this espionage case in a manner so that it became personally known to you?

A. No. I have already stated that this case is utterly unknown to me, just as the other cases are. I don't know them. The chiefs or officials in charge of the central office of Operation Zeppelin, in two or three cases, as far as I remember, did report to me on counterintelligence cases, but counterintelligence cases on a larger scale. However, as far as details are concerned, they were never reported or submitted to me. I am convinced that these cases represent a matter which referred merely to the local front units of the local front office. I know of one case which was of considerable importance, and I had to take charge and investigate it as a matter of course. This concerned an incident which involved great danger to me. The NKVD had been successful in having the Drushina Verband—I mentioned this Drushina Verband before—infiltrated by spies of their own, and they exercised incredibly subversive activity. They maintained extensive courier contacts right into Germany. One day it happened that all German soldiers active in this unit, SS men, SS Fuehrers, were mutilated and killed in an atrocious manner, as well as, at the same time, all of those Russian Aktivists too who were willing to work for Germany against Russia. All this was done by

[1] A full translation of the letter is reproduced earlier in this section as a part of Document NO-5446, Prosecution Exhibit 2068.

[2] Radio message of 27 March 1942, reproduced earlier as a part of Document NO-5446, Prosecution Exhibit 2068.

a small group of the NKVD, who were then able to escape to Moscow by airplane.

This was a case which, naturally, in the effect that it took was of great significance and even of great danger to me, because you can imagine what conclusions the operational staff and the leadership drew from such an incident.

Now, as far as any other small cases are concerned, marginal cases of espionage, they were not even reported to me. It wasn't in the nature of things to report these to me, because jurisdiction for counterintelligence was in the hands of the local police agencies and such cases were reported to them. In larger cases it was Amt IV, and thus my opponent Mueller who exercised jurisdiction, and they were very careful in the exercise of their activity in such cases.

I would like to say once more that Amt IV—that is, the Secret State Police, the Gestapo—had jurisdiction only for executive measures, and in view of the difficulties that I had yesterday in the interpretation from German into English, I would like to take the liberty of repeating once again what is understood by measures of the executive branch. "Executive measures" is a collective term in German. The term in German is "Exekutivmassnahme," and it involves all means of coercion available to the police on the basis of the power with which the police is vested. This may involve an order to search a house, or an order to effect a seizure, or an order to effect an apprehension or an arrest. In the Third Reich it could involve an order for security detention, and other measures. In each case the intelligence service and Amt VI never had the right to exercise any measure in the Executive Branch, not to speak of execution at all, which is the last and extreme form of an executive measure.

The prosecutor is always trying to refer to the term "Special Treatment." Furthermore, the documents clearly show—and this is primarily shown in the Koschilew document which I now have before me—that the Police Division, which was responsible for such executive measures in the investigation field against spies, also injected itself into this case and took care of this case. I refer particularly to the last comment in the report addressed to Amt IV, in the document dated 5 February 1942, where the official in charge of handling the matter says: "2. Re: File Amt IV." That was the responsible police unit, the Einsatzgruppe active there, which was responsible for handling the matter. This is on page 29 of the German version, page 5 of the original. I also wish to refer to the answer of the RSHA, Amt IV, dated 27 March 1942, issued by the responsible division in Amt IV, that is, the Referat for IV A–1–B. This shows that the testimony

given by this spy, this Koschilew, on his previous espionage activity in favor of Germany was not in accordance with the actual facts, but it was just a legend that was put up.

Q. This radio message by the RSHA, which you mentioned, on 27 March 1942 also mentions Amt VI. It reads: "Above-mentioned person, as well as the contacts mentioned by him, are absolutely unknown in Amt IV and Amt VI." Therefore, Amt VI did have something or other to do with the matter?

A. It was a matter of course that an inquiry was submitted to Amt VI as to whether, in its secret central files, a record was to be found at any time for the years 1933–1938 concerning the name of any such Russian agent, either under that name or some other alias that he may have used. That is the reason why the inquiry was submitted to them.

Furthermore—and this is my opinion—the radio transmission itself proves the fact that Amt IV, which alone had executive authority in this case, had not even issued an order on its part for further treatment [Weiterbehandlung]. Otherwise, the radio message would have contained some wording to that effect. The file memorandum shows that apparently—and obviously so—the spy was executed. That is at page 31 of the German version and page 6 of the original of the document. This was obviously issued by the Einsatzgruppe which had local police jurisdiction for the area in conjunction with Police unit 4 b D.

Q. The report on this execution is on page 23, Your Honors, of the English document book, at the bottom of that page.

This note that you have just mentioned, Witness, also contains the following order: "More can be seen from the reports of the SS Captain Sakuth, to the RSHA, Amt VI–C–Z." Will you be good enough to comment on this?

A. Today I can only give you an answer which is based on the document itself, to the extent that I am able to take an expert view on these subjects and comment on them in that capacity, because I never saw any of these cases before in my life. However, from what I know of matters of this type, I must draw the conclusion that this matter was reported to the headquarters of Operation Zeppelin. On the other hand, the agency involved issued no order as to any measures which were to be undertaken or carried out, and it could not possibly have issued any such orders because—I must repeat this over and over again—neither Amt VI nor any of the agencies subordinated to Amt VI had any executive power [Exekutivbefugnis] whatsoever. All that was done was to inform Amt VI, because there seemed to be a vagueness or a lack of clarity as to what type of man this Koschilew actually was, and what type of spy he was,

and perhaps they temporarily entertained the thought that they would use him as a double-cross man. However, they didn't pursue that idea and dropped it.

Q. Witness, I now wish to refer to the other three documents connected with this one Koschilew document, on Plewako, Kopyt, and Kosin. These documents* consist of a very few pages only, and there is also a note attached testifying to the execution of these spies. Would you be good enough to comment on these other documents?

A. It is obviously clear that the cases of Plewako, Kopyt, and Kosin are identical, the same reason existed for the measures undertaken against the Soviet Russians, the fact that these were Soviet Russian spies.

Q. Now, if you refer to the document applying to Kosin, at page 50 of the German version and pages 25 and 26 of the English document book, you will see that the note concerning Kosin uses a different language than the language used in the cases of Plewako, Kopyt, and Koschilew. Will you comment on that?

A. Yes. It is shown that Kosin, the same as the four others mentioned in the respective notes, belonged to obviously unreliable espionage element of the Soviet Union, who were attempting to smuggle themselves into Operation Zeppelin. However, there is no reason whatsoever to assume, particularly in this case, that my Amt took action spontaneously, upon its own initiative, and, as I have emphasized over and over again, without having any jurisdiction to undertake any measures against spies, or without having any authority to issue any orders against spies, or without having any authority to issue any orders concerning such investigations. The note concerning Kosin was issued on the same day and is signed by the same man who signed the handwritten notes in the other three cases. I can only assume that it is a question of drafting or a question of the personal language used by that man, and he does not give an accurate picture of what actually occurred. What actually happened, as far as I know, can only be that the agency of Operation Zeppelin, VI–C–Z, reported the man to the local police authority having jurisdiction in such matters, in accordance with the procedure that prevailed. The local authority, the division, or Abteilung IV of the Einsatzgruppe, who were responsible for security measures in that area, then dealt with further measures undertaken against the spy.

Q. Witness, please refer to the next document, at page 27 of

* Document NO–5445, Prosecution Exhibit 2066; Document NO–5444, Prosecution Exhibit 2067; and Document NG–4724, Prosecution Exhibit 2069, reproduced above in this section.

the English document book and page 52 of the German version. This is an excerpt of the cross-examination of defendant Naumann in Case 9.* It says of Naumann, in the documents previously referred to, that he personally gave the order for the execution to be carried out, and in this examination he denies having had anything whatsoever to do with the matter. Will you please comment on this?

A. In view of the fact that neither Amt VI and its subordinate agencies nor Operation Zeppelin were authorized to undertake any executive measures whatsoever—and I have been very clear on that point, they had no authority for executive measures—it is not necessary, therefore, to go into any details concerning the testimony which Naumann gave in his trial; there is no necessity for me to enter into any details. Amt IV and its subordinate police agencies had jurisdiction concerning the treatment of all incidents on the part of the police in which executive measures had to be ordered. To make this as clear as I possibly can, I will give you an example:

For example, in the jurisdiction field of Amt II, which was an administration in the RSHA, if a thief was established to be in that office, then it wasn't Amt II which had authority to lock him up, even though it was an Amt of the RSHA but, much rather, exactly like any other agency in the Reich, it had to denounce the man and report him to the police agency, which was probably located in the same building. Then that agency proceeded along the lines in which it had jurisdiction, within the framework of Kriegsrecht, military law.

As a matter of course, the units of Operation Zeppelin received their orders and their assignments from Referat VI–C–Z, in Amt VI, but it is clear that the contents of these orders and directives confined themselves exclusively to orders involving the secret foreign intelligence service. To claim anything different would be identical with saying that a police agency is to go and declare that it has no jurisdiction for any measures concerning thievery involving railroad employees because this man received his orders and directives from the central railroad office.

Really, I can only emphasize over and over again—I have no other choice—that in all cases involving any police executive measures, it was only Amt IV which had jurisdiction. The document speaks of Einsatzgruppe B having been active in the area involved. This was the agency carrying responsibility for police measures, there couldn't be anyone else besides it, because all

* This extract from Naumann's testimony in the Einsatzgruppen case, introduced in the Ministries case as Document NG–4725, Prosecution Exhibit 2070, is not reproduced herein. Erich Naumann was not called for further examination.

security measures for the troops had been transferred by the Army to the Security Police and SD.

I think that exhausts the question, Counsel.

Q. Witness, in document book 6–C, at page 33, the prosecution has introduced Document NG–4726, Prosecution Exhibit 2071, an affidavit of a certain Pole named Smolen.* Speaking of the Auschwitz concentration camp, Smolen says that from 1942–1944 approximately 200 Russians were assigned to the camp and killed there. The admission records show that they were members of Operation Zeppelin. Will you please comment on this?

A. Such an incident and such matters were not brought to my knowledge in any way whatsoever. I referred before to the little knowledge which I had of measures undertaken against these four people mentioned in the documents which we just discussed. I consider the affidavit of this Polish affiant Smolen as lacking all credibility, but the man has not yet been under cross-examination, and I don't want to enter into that at this stage.

JUDGE MAGUIRE, Presiding: For the purpose of correcting the record, that document is not in book 6–C, but in book 71–C.

DR. MINTZEL: Yes, 71–C.

MR. HARDY: Your Honor, do I interpret the statement of defense counsel to mean that they want this affiant Smolen brought to Nuernberg for cross-examination? As yet the defense has not requested this affiant for cross-examination; he lives in Poland and it will take me a month or two to get him back here again. We had him here for several days and he had to leave, so consequently, if they desire to have him, I wish to know that now, so I can instigate proceedings to get him brought back here.

JUDGE MAGUIRE, Presiding: Well, so far as that is concerned, counsel for the several defendants were directed, at the time we went into recess, to inform the prosecution as to what affiants they desired for cross-examination. If they have not done so up to this time, the risk is upon them. If the prosecution can get a witness here for cross-examination, whose name was not given, well and good, but the trial will not be postponed because of delays in getting witnesses for cross-examination where a notice of that fact has not been given up to this time. If you want this man, give notice and let the prosecution see what they can do, but there will be no postponement of the trial because of inability at this late date to get him.

DR. MINTZEL: Your Honor, when the prosecution introduced three documents I clearly made the motion that these affiants be made available to me for cross-examination, and this referred to Mr. Gaus, who has already been taken care of, Mr. Lindow, and Mr. Smolen.

* Reproduced earlier in this section.

MR. HARDY: Your Honor, I wish to clarify the record on that point. He absolutely did not. He reserved the right to call them. That is not asking me to bring them here from Poland. I am not going to put the government at the expense of bringing them from Poland if he is only reserving the right. I have no definite answer, in accordance with the Tribunal's order at recess before we adjourned the prosecution's case in chief, and I think defense counsel should state it now as to whether he wants Smolen or not.

DR. MINTZEL: Yes.

JUDGE MAGUIRE, Presiding: Well, if the prosecution can procure the witness, let him be procured, but we serve notice on counsel for the defendant now that there be no delay in the presentation of the case in view of that fact. We shall ask the prosecution and the defense to call our attention to that portion of the record where it is claimed that this request for this witness was made or was not made, as the case may be.*

You may proceed.

DR. MINTZEL: You commented on the affidavit of the Pole, Smolen, and you stated that you had nothing whatsoever to do with any such matters. Nevertheless, in answer to my specific question, please give me the answer as to whether you ordered such executions to take place.

DEFENDANT SCHELLENBERG: No, I never ordered any such thing to be done. I can only reemphasize that Amt VI, and I, as Chief of Amt VI, was never in any position of ordering any executive measures [Executivemassnahmen] in the entire sphere; not seizures, nor house searching, nor anything of the kind.

Q. If an agency of Operation Zeppelin found a spy among their own ranks, either a spy or an agent of the enemy, what could be done with a man like that?

A. When a man was found to be a spy, in accordance with the prevailing regulations of the Reich, he was transferred or reported to the police. There were no other measures which were thinkable at all in such a connection. What else could I have done? I will give you a practical illustration, Your Honors, in order to make it as clear as I possibly can, and, of course, like all examples, it doesn't quite fit the case.

Let us assume that a number of Yugoslavs were working in one of the divisions of the OSS, the American intelligence service, and one of these Yugoslavs produced adequate grounds to bring suspicions upon himself of espionage against the United States of America. Then, very probably, the responsible departmental

* Affiant Smolen testified later on 7 July 1948. His testimony is reproduced earlier in this section.

chief, without consulting General William Donovan, would have been driven to report such a man to the responsible authority, that is, the FBI, and to hand him over to the FBI. Now, surely William S. Donovan could never be held responsible for what the FBI may have done with such a spy under military law.

JUDGE POWERS: Well, where was the authority to determine guilt vested? Where was the authority vested to determine the guilt or innocence of a person in that situation?

PRESIDING JUDGE CHRISTIANSON: You mean in Germany?

JUDGE POWERS: Yes. Assuming that you found a Russian spy in your group, where was the authority vested to determine whether or not he was guilty of being a spy or not?

DEFENDANT SCHELLENBERGER: As far as I know, the formal procedure in the handling of espionage incidents was as follows: an investigation was made, and then, in the Reich area, the local senior public prosecutor would have this case entrusted to him. Now, what the police in the eastern area would have in the way of regulations I cannot reconstruct by heart right now.

Q. Well, but—

A. But, Your Honor, I think that in the eastern territories, as far as combat incident was involved, military or martial law would apply, and in such a case spies could automatically be shot. I think that could be done by any unit, whether it was Wehrmacht, or police, or any supply detachment, whatever it may have been.

Q. Well, since this man was found in an SS unit, was there a special SS division or unit that determined such matters? It was determined, then, in the division or unit in which the man was operating at the time he was discovered?

A. Would Your Honor be good enough to repeat the question?

Q. Well, you said there was no special unit in the SS to determine whether the man was guilty or innocent. I take it, then, that if a spy were found in your unit, Amt VI, the question of determining whether he was or was not a spy was in your division, Amt VI?

A. No, Your Honor, if a spy was found and sufficient reasons for his guilt were in existence, then he was reported to the local responsible police agency and transferred over to them. Probably there was a distinction in the procedure which was pursued in the Reich itself and in the actual combat zone, because martial law applied in all combat zones.

Q. Well, of course we are talking about Russia, which would be outside the territorial jurisdiction of the Reich.

A. In Russia, Your Honor, now let me—

Q. In occupied territory,

A. In Russia—in the occupied area, that is, in the rear army area, the only jurisdiction, as far as I am now able to reconstruct these matters, would be with the local Abteilung IV in the framework of the Einsatzgruppen organization.

Q. Then it was their function not only to execute orders but to make the orders, is that right?

A. Your Honor, would you please repeat your question?

Q. You testified that Amt IV did all the executing of orders—executive function. I am trying to find out where the adjudication function was—who determined guilt or innocence?

A. I think that a summary court martial was held by the military unit on the very spot where such a spy was apprehended.

* * * * * * *

CROSS-EXAMINATION

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MR. HARDY: Well, General, I will turn now to the Operation Zeppelin. Let's turn to document book 71–C, Exhibit 2059,* page 1, in the English, and page 1 in the German. Now, in this document we find, on page 2 of the English, page 2 of the German, the paragraph beginning with the words:

> "The interrogation to be made by officials of Amt VI must be carried out in the camps with the closest collaboration with the Einsatzkommandos. I make this understanding and mutual assistance the duty of all concerned. Reports regarding results are to be submitted by the officials of Amt VI, to Amt VI—VI C 1, and in copy to Amt IV—IV A 1 C."

Now, this directive concerns the questioning of prisoners taken in the East. Is that correct?

DEFENDANT SCHELLENBERG: Yes, the directive was that members of Amt VI got the right to interrogate PW's concerning Russian conditions.

Q. And it was from these interrogations that you were able to collect men to work in Operation Zeppelin?

A. I am of the opinion that this agreement with the executive branch involves merely the interrogation of Russian PW's concerning conditions in Russia.

JUDGE MAGUIRE, Presiding: Witness, look at the first paragraph of the letter. Do you see it?

DEFENDANT SCHELLENBERG: Yes.

JUDGE MAGUIRE, Presiding: In view of that statement, do you maintain your last answer?

DEFENDANT SCHELLENBERG: Yes, Your Honor. This concerns a directive of Amt IV, which likewise collected intelligence agents

* Prosecution Document NO–3421, reproduced earlier in this section.

in prisoner-of-war camps; and this is what this directive refers to. If I would have the reference available, that is, decrees of 17 July, etc., this I'm sure would be shown by those documents.

JUDGE MAGUIRE, Presiding: Well, immediately before that, part of that same sentence, it refers directly to Amt VI.

DEFENDANT SCHELLENBERG: Yes, Your Honor. Now, upon reading it, this also concerns the selection of Russian PW's for the objective of the Operation Zeppelin.

MR. HARDY: Thank you.

Now, it is true, is it not, that you trained these agents for work in Operation Zeppelin?

DEFENDANT SCHELLENBERG: Yes. These people were trained and were assigned in the manner I outlined yesterday.

Q. Would you state that this Operation Zeppelin had nothing whatsoever to do with the work of the Einsatzgruppen.

A. These were not Einsatzgruppen, but they were Spezialkommandos of Amt IV in the Russian prisoner-of-war camps.

Q. Did any of them work with the Einsatzgruppen, or were any of them assigned to the Einsatzgruppen for work?

A. I don't quite know to what you're referring, Counsel. Who was to be assigned to what?

Q. Any of these agents to work for you in Operation Zeppelin?

A. As far as I am informed, according to the knowledge I held at that time, these agents were sent into the prisoner-of-war camps, on the basis of the provision of this decree of 25 October.

Q. And they worked in collaboration with the Einsatzgruppen there?

A. I was telling you that as far as I know only the Spezialkommandos of Amt IV were in these prisoner-of-war camps. They were not Einsatzgruppen.

Q. Well, will you please turn to page 11 of the German—on page 10 of the English copy—11 of the German, page 10 of the English, of document book 71–C. Now, this is an order to the Einsatzgruppen A through D, signed by Office VI–C–Z.

A. Yes.

Q. By Graefe (G-r-a-e-f-e). Now, VI–C–Z meant the Operation Zeppelin didn't it?

A. Yes, it did.

Q. Graefe was your subordinate, wasn't he?

A. Yes.

Q. Then, this document is addressed to Einsatzgruppen A–D, isn't it?

A. Yes, it is.

Q. And it states that the subject is "Questioning PW's—Points to be considered", doesn't it?

953402—52——38

A. Yes. Will you please permit me to make a statement in connection with this?

Q. I have no further questions in connection with this. You may if you wish.

A. I believe that this has to be explained with a view to the situation and conditions that existed at that time. The prisoner-of-war camps in which the Kommandos, just mentioned in this decree of 25 October, were all in the rear army areas, and those PW's who were apprehended right in the front line, behind the actual combat zone, had to be interrogated by Spezialkommandos, who went ahead with the fighting front, and as far as that is concerned the decree is directed to the Einsatzgruppen—that is, to these Frontkommandos—so that the PW's, immediately upon their apprehension, could be interrogated on the situation in Russia. That's what I wanted to describe and tell you.

* * * * * * *

Q. What treatment was accorded to these particular prisoners selected for Operation Zeppelin? That is, did they get good food, good clothing, hospitalization facilities, and so forth, freedom of locomotion, and things of that sort?

A. In direct examination yesterday I stated what the objective was. The objective was that Soviet Russians were to be won over in our favor to work for us in Russia, and of course they were treated excellently.

Q. Well now, in book 71–C, in the exhibits that we discussed, or that you discussed yesterday, concerning the four Activists who were exterminated, it is your position that these agents were traitors and that was the justification for their extermination?

A. Based on the data and the personnel files which were made accessible to me in Nuernberg, I had to gather that these people were spies, and according to the rules in force they were apprehended as spies at the front and were obviously shot in that capacity.

Q. Well, who determined that they were spies?

A. The decision was made by the responsible agency, the agency responsible for the treatment of spies. In my opinion, in these two or three cases, to the extent that I could study the files, it was Division or Abteilung IV, with the Einsatzgruppe, the division which, in the normal course of affairs, would combat crimes and would handle counterintelligence in these frontal areas.

Q. Well, you say that these men were working with Amt VI. How could the Einsatzgruppe discover that they were spies if they were not working with the Einsatzgruppe? It must have been Amt VI that discovered they were spies, wasn't it?

A. No. The discovery was made before. In each case the local commander of the Wehrmacht had already made reference to the fact that these were persons suspected of espionage, and in view of that—and the documents prove that—they were turned in on those charges.

Q. And Amt IV turned them over to the Gestapo for action?

A. Unfortunately, I can't gather in detail what actually happened in each case, but I am inclined to assume that as these people were suspected of espionage, they were turned in for further investigation to Abteilung or Division IV of this Einsatzgruppe, in Slutsk and Stogalowice. This was directly at the front line, or in the vicinity of the front line.

Q. And they were turned in by whom?

A. I can't gather that. I can't gather that, beyond doubt, from the documents. In the case of three documents all it says is that the Reichssicherheitshauptamt, the RSHA, my Amt VI, received reports on these incidents at the time when these people had already been turned in. In the case of the other document, I can't say because the content doesn't say that much.

Q. Now, you say that their disposition was not within your sphere of authority; and the defendant Naumann, in the Einsatzgruppe case, who exterminated these people, states that he could not exterminate them or execute them without orders from your Amt VI.[1] Now, which man is correct, you or Naumann?

A. I intentionally refrained from going into Naumann's testimony because the documents speak for themselves. In these three documents continuous reference is made to the fact that the execution of the charge of espionage was carried out at the order of Brigadier General Naumann.

Q. All right. Now, since those documents speak for themselves, let us turn to Prosecution Exhibit 2069,[2] page 50 of the German, page 26 of the English, in book 71–C.

A. What page, Mr. Prosecutor?

Q. Fifty of the German and 26 of the English. I presume that if the other documents speak for themselves this one does too, where it says, and I quote, referring to Kosin, "He was sent by order of the RSHA, Amt VI, to Einsatzgruppe B, Smolensk, for special treatment." Does that speak for itself too?

A. Inasmuch as it also says by Einsatzgruppe B—that is to say, inquiry was made in Berlin, and Berlin was notified that these spies had escaped, and some Referent of my office then said that, being spies, they must receive corresponding treatment. And then, obviously, this was done by Einsatzgruppe B [durch

[1] This refers again to an extract from Naumann's testimony, Document NG–4725, Prosecution Exhibit 2070, not reproduced herein.

[2] Document NG–4724, reproduced earlier in this section.

Einsatzgruppe B]. However, I am unable to comment on any details contained in this document because I saw it for the first time here in Nuernberg, and at that time no report of any such case was made to me in any instance.

Q. Well, let us turn now to Document NO–5446, Prosecution Exhibit 2068, page 21.[1] This is the case of Koschilew, page 21 of the English and page 27 of the German. Now, this man also was a Zeppelin agent, was he not, who was executed by Einsatzgruppe B for being a spy or a traitor, was he not?

A. I don't know. From what I am to gather, he was a Zeppelin agent.

Q. That is right and now we see, on page 21 of the English, that he worked for Referat IV of the Einsatzgruppe B in Smolensk since 29 January 1942. Doesn't that indicate that your Zeppelin agents were working with the Einsatzgruppe?

A. No. In the document it says that he worked for Referat IV, and not for Referat VI. On the contrary, it is just the opposite of what you are saying, Counsel. That is what it says in this document. What I am reading is "Referat Vier," Referat IV of the Einsatzgruppe, which is not VI.

Q. That is right.

A. That is just what I was telling you. I don't even know whether he was yet a Zeppelin agent at that time.

Q. The rest of the document indicates that, doesn't it, that he was a Zeppelin agent, doesn't it?

A. Perhaps he might have been taken into consideration as a candidate for the Zeppelin Operation, but nothing beyond that. This was just a small interest, and apparently this was sufficient for some SS Master Sergeant later on, at the time when the man really developed to be a spy, to actually send a report on to Amt VI concerning these matters, but that is all that took place.

Q. I think the document disagrees with you, but we will go on now to something else.

How many Aktivists did you have working for you in Operation Zeppelin?

A. I am unable to give you the figure. It is very difficult for me to do so, because the figure fluctuated constantly. It would not be possible for me to tie myself down to any figures.

Q. Well, in the affidavit of one Smolen, who was a political prisoner in the Auschwitz concentration camp—which is Prosecution Exhibit 2071,[2] found in book 71–C, on page 33 of the English, page 58 of the German—we find that he states that

[1] Reproduced earlier in this section.

[2] Document NG–4726 reproduced ealrier in this section.

about 200 of these Zeppelin agents were exterminated there. Now, out of the number of agents that you had, were 200 of these spies?

A. I have already told you that this testimony given by Smolen is not considered worthy of credibility by me, and I am asking my defense counsel to put this man under cross-examination.

Q. Well, let us get on. What did you do with the Aktivists who remained loyal? I presume all of them didn't turn spy. What did you do with the ones who remained loyal? Did you exterminate them too?

A. They went to Russia.

Q. They went to Russia?

A. That was the purpose of the whole operation.

Q. Well suppose, during the course of the training of these agents, or in any phase of your work, one of the agents became sick or ill. What treatment did he receive?

A. I can't give you any details in answer to that question. All I know is that budget lists were submitted to me to the effect that Operation Zeppelin involved tremendous expenditures due to the care taken of these people and, as such, it is comprehensible that the only means of winning the favor of such agents was to give them such good treatment. However, I am unable to render any account of details, because such details were not submitted to me either, at the time. All I know is that the financial expenditure was very large for that purpose. Moreover, I can say that I gathered here from one document—I think it was the Kosin document—that he made a trip through Germany or something similar of the sort.

Q. Well then, it wouldn't ever have been possible that any one of these agents who became sick would have been exterminated or killed?

A. I can't imagine such a case. Cases in the form in which you put the question, Counsel, were never reported to me.

Q. Suppose one of the agents contracted a severe disease like tuberculosis or perhaps some incurable disease. What kind of hospitalization and treatment did you give him?

A. They had physicians there on the spot and I believe they were even Russian physicians. They were appropriately equipped too. Therefore, a patient would get the normal treatment. At least, I had to rely upon the statements of my subordinate agencies. Unfortunately, I had to do that, and to date I have no doubt but that they properly fulfilled their tasks.

Q. Well, would you tell us what happened to these two sick agents mentioned in NG–5220, a document I am handing you now, which will be Prosecution Exhibit 3465.*

* Reproduced earlier in this section.

I offer that as a part of this cross-examination, Your Honor. This indicates that the medical officer in your special unit—

A. I have never seen this document before. I don't know who wrote it. I don't know to which SS special camp this document was addressed. All it says here is that there were two sick Aktivists who were hospitalized.

Q. Well, was it the policy or did an order ever issue from the RSHA Amt VI or Amt VI–C, or any one of your subordinate offices, that sick agents, not traitors or spies but sick Aktivists, should be exterminated?

A. Any such directive or order issued by me is not known to me.

Q. Well, unfortunately, or fortunately, I have it. This is Document NG–5221, which will be offered as Prosecution Exhibit 3466.[1] This is a letter from Weissgerber—Pardon me, Your Honors.

A. I am unable to comment—

Q. Just a moment; just a moment, I will ask the questions. Now, this letter is from Weissgerber of the Sonderkommando Zeppelin. He was your subordinate, was he not?

A. I don't remember the name of Weissgerber. It is possible that he was a subordinate of mine.

Q. Well, the Sonderkommando Zeppelin was within your jurisdiction in Amt VI, wasn't it? There is no question about it.

A. Zeppelin was subordinated to me.

Q. And this letter shows that the two sick agents mentioned in the previous document were sent for special treatment because they suffered from TB, isn't that right?

A. That is what the language of the document says, but I personally have no knowledge of that whatsoever.

Q. And the document refers to an order of the RSHA, Office VI–C–Z, of 1 December 1942, regarding the delivery of sick agents, doesn't it, for special treatment?

A. I don't know. I was never given any knowledge of such a directive and I never saw it in my office either.

MR. HARDY: I offer that, Your Honor, as Prosecution Exhibit 3466, as part of this cross-examination. Now, if Your Honor permits me, I offer Document NG–5222 as Prosecution Exhibit 3467,[2] which indicates that the Aktivists—the sick Aktivists referred to in the two previous documents—were delivered to Auschwitz concentration camp to be accorded special treatment. My next exhibit is Document NG–5223, which I will offer as Prosecution Exhibit 3468,[2] which indicates that they were accorded

[1] Reproduced earlier in this section.

[2] Documents are reproduced earlier in this section.

special treatment. I so offer those two documents, Your Honor, 3467 and 3468. Are those two documents received, Your Honor?

JUDGE MAGUIRE, Presiding: They are, yes.

PRESIDING JUDGE CHRISTIANSON: The one ahead of them wasn't.

JUDGE MAGUIRE, Presiding: I will give the numbers; Exhibits 3465, 3467, and 3468 are received.

MR. HARDY: How about 3466? Was that received earlier?

JUDGE MAGUIRE, Presiding: No. That will be received as well.

MR. HARDY: Thank you, Your Honor. In view of that, Your Honor, I have no further questions.

JUDGE MAGUIRE, Presiding: Defendant, the matter of the disposition of sick prisoners, by giving them special treatment, would not be a matter of ordinary routine in Amt VI, would it?

DEFENDANT SCHELLENBERG: No, Your Honor. But really, such a directive issued by the responsible Gruppen chief of VI–C was never reported to me, nor was it ever approved of by me.

Q. If you had known of such a thing being done, would the man who gave that order without your approval have been subjected to severe punishment by you?

A. First of all, I would not have permitted this order to be issued, and I would have reprimanded him.

Q. You would have given him a reprimand for murder? Would there be no other punishment?

A. Yes, Your Honor, I would have reported this to my superiors, and I would have pointed out to them that the necessary consequences would have to be drawn and a disciplinary case would have ensued.

Q. Well now, do you assume that one of the men whom you picked out to handle one of your subdivisions would have had the temerity to order the special treatment for employees of your office, whether they were prisoners of war or not, without ascertaining whether that could be safely and properly done by the head of the department—ascertaining from the head of the department whether that could be safely and properly done?

A. Your Honor, this is a special case, inasmuch as Dr. Graefe, who was the responsible Group Leader, had come from the Security Police, that is, from Amt IV. He had formerly been head of the Gestapo office [Stapoleiter] in Tilsit and Memel, and he personally maintained very close contacts with SS Major General Mueller in Amt IV. All matters involving this special Zeppelin unit, like interrogations of prisoners of war, which he had to agree upon with Amt IV, were always submitted personally to Major General Mueller, because I was not in a position to negotiate with that man, and therefore he had great freedom in these respects, which freedom was granted him by me, and

he did this all upon his own initiative. He knew, as a matter of fact, that all my interests were devoted to the intelligence part of my sphere of duties. I can furnish witnesses to the effect that Dr. Graefe actually held the position with me which I outlined to you.

Q. Still, he was one of your subordinates reporting to you, wasn't he?

A. Your Honor, I can't deny that to be the case.

Q. And held office and could hold office only with your continued approval, couldn't he?

A. He was a Group Leader of mine.

JUDGE MAGUIRE, Presiding: That is all.

MR. HARDY: I have no further questions on cross-examination.

* * * * * * *

E. The German Resettlement Trustee Company—The "DUT"

I. CONTEMPORANEOUS DOCUMENTS

TRANSLATION OF DOCUMENT NO–2407
PROSECUTION EXHIBIT 1369

LETTER FROM DEFENDANT KEPPLER TO REICH LEADER SS HIMMLER, 3 NOVEMBER 1939, CONCERNING ESTABLISHMENT OF THE DUT AND THE PROPOSED MEMBERS OF THE SUPERVISORY BOARD, AND HIMMLER'S APPROVAL OF KEPPLER'S PROPOSALS

[Stamp]
Personal staff of the Reich Leader SS
Central Archives
Secret Document No. 347

Wilhelm Keppler, State Secretary for Special Assignments in the Foreign Office

Berlin W 8, 3 November 1939
Wilhelmstr. 74–76
Tel.: 110013
[Shorthand note]:
Dear Keppler, Many thanks for your letter. I am in agreement with your proposals.

To Reich Leader Himmler
Berlin SW 11
Prinz Albrechtstr. 8

Dear Himmler!

My best thanks for the letters signed by you [Dir], concerning the establishment of the German Resettlement Trustee Company [Deutsche Umsiedlungs-Treuhandgesellschaft m. b. H., commonly referred to as the "DUT"], Berlin. The foundation will presumably take place this afternoon. Enclosed I am sending you a list of persons intended as

[Handwritten] Taken care of by discussion with SS Major General Wolff [Initial] K. [Keppler].

members of the supervisory board [Aufsichtsrat] which is made out in line with our discussion. The only question yet to be decided upon is whom I should name as deputy chairman of the supervisory board. In my opinion either SS Lieutenant General

Lorenz or SS Colonel Greifelt come under consideration, especially since I do not wish to favor a member of the various Ministries with this trust.*

May I ask you for a prompt reply.

Again my heartiest thanks for the confidence you have shown in me. Heil Hitler!

Yours,

Enclosure [Signed] KEPPLER

[Stamp] Personal Staff Reich Leader SS
Received 4 November 1939
Journal: AR 633/3
To : RF

List of Members of the Aufsichtsrat of the Deutsche Umsiedlungs-Treuhandgesellschaft m.b.H., Berlin

Dr. Hugo Berger, Ministerial Direktor in the Reich Ministry of Finance, Berlin W 8, Wilhelmplatz.

George Christians, Deputy Director of the Foreign Trade Office of the Foreign Organization of the NSDAP, Berlin—Wilmersdorf, Westfaelische Str. 1.

Ulrich Greifelt, SS Colonel, Personal Staff of the Reich Leader SS, Berlin-Halensee, Kurfuerstendamm 142.

Hans Kehrl, General referent in the Reich Ministry of Economics, Berlin W 8, Behrenstr. 43.

Wilhelm Keppler, State Secretary for Special Assignments in the Foreign Office, Berlin W 8, Wilhelmstr. 76.

Dr. jur. Erhard Kroeger, Leader of the Ethnic Germans in Latvia, Riga.

Werner Lorenz, SS Lieutenant General, Director of the Repatriation Office for Ethnic Germans, Berlin W 35, Tiergartenstr. 18a.

Dr. Fritz von Twardowski, Minister, Foreign Office, Berlin W 8, Wilhelmstr. 76.

Dr. Ernst Hellmut Vits, Member of the Vorstand of the Deutsche Revisions- und Treuhandgesellschaft, Berlin W 8, Jaegerstr. 10–11.

Hermann Waldhecker, Member of the Reich Bank Directorate, Berlin C 111, Jaegerstr. 34.

Hellmut Weiss, President for German Culture in Estonia, Reval.

[Handwritten] Approved
[Initials] H. H. [HEINRICH HIMMLER]

* Werner Lorenz and Ulrich Greifelt were both defendants in the RuSHA case, Volumes IV and V, this series. Greifelt was appointed deputy chairman of the supervisory board. Lorenz became a member of the supervisory board.

TRANSLATION OF DOCUMENT KEPPLER 102
KEPPLER DEFENSE EXHIBIT 196

ARTICLES ONE AND TWO OF THE BY LAWS OF THE DUT* (GESELLSCHAFTSVERTRAG)

I. Name, location, duration

The company is named "German Resettlement Trustee Company."

It has its seat in Berlin. The period of its existence is not limited.

II. Character of the enterprise

The purpose of the enterprise is the settlement of problems referring to property resulting from the resettlement of Reich national and ethnic Germans from foreign countries to the Reich territory. In this connection the company shall observe the interstate agreements concluded with regard to the resettlement and see to it that the obligations with regard to property arising from these agreements to the DUT, its branch establishments, subsidiaries, or participations are met. It is its special task—directly or indirectly, via subsidiaries to be established or participations acquired—to take over the trusteeship over the property of the resettled Reich nationals and ethnic Germans which was left behind in the countries in which they had lived up to then; all liquidation measures connected therewith, and the transfer measures to the Reich territory, as well as the payment of the liquidation proceeds to the persons entitled thereto. In addition, it is its task to administer the funds placed at its disposal by the Reich offices for giving advances and allowances to the resettlers and to occasion payments from these funds. So far as the purpose of the company requires, it can found branch establishments within Germany and in foreign countries, establish subsidiaries as well as acquire participations. Within this scope of duties, the company is entitled to carry out all transactions and adopt all measures that seem necessary or useful for achieving the purpose of the company.

* * * * * * *

* All the extracts from the by laws which were offered in evidence by the defense are reproduced here. This document was taken from "Collection of the Working Rules of the DUT," a printed handbook containing numerous directives and materials on the DUT.

PARTIAL TRANSLATION OF DOCUMENT NO-3836
PROSECUTION EXHIBIT 1370

EXTRACTS FROM THE ANNUAL REPORT OF THE DUT FOR THE BUSINESS YEAR 1939

German Resettlement Trustee Company, Berlin, 1939
Report for the Business Year 1939

Members of the Supervisory Board

Wilhelm Keppler	SS Major General, State Secretary for Special Duties in the Foreign Office (Chairman), Berlin.
Ulrich Greifelt	SS Brigadier General, Personal Staff Reich Leader SS, Reich Commissioner for the Strengthening of Germanism (Deputy Chairman), Berlin.
Dr. Hugo-Fritz Berger	Ministerial Director in the Reich Ministry of Finance, Berlin.
George Christians	Deputy Chief of the Foreign Commerce Office of the Auslandsorganisation of the NSDAP, Berlin.
Hans Kehrl	Generalreferent in the Reich Ministry of Economics, Berlin.
Dr. jur. Erhard Kroeger	SS Colonel, Chief of the Advisory Office for Immigrants (Repatriation Office for Ethnic Germans), Poznan.
Werner Lorenz	SS Lieutenant General, Chief of the Repatriation Office for Ethnic Germans, Berlin.
Dr. Fritz von Twardowski	Minister, Foreign Office, Berlin.
Dr. Ernst Vits	Member of the board of directors of the German Revision and Trustee Company, Inc. [Deutsche Revisions- und Treuhand-Aktiengesellschaft], Berlin.

Hermann Waldhecker	Reich Bank Director, Berlin.
Dr. Hellmuth Weiss	President of the Cultural Administration in Esthonia, Reval.

Members of the Management [Geschaefsfuehrung]

Dr. Karl Schmoelder, Berlin
Dr. Kurt Kleinschmitt, Berlin
Dr. Ferdinand Bang, Poznan
Helmuth Duelfer, Riga
Dr. Heinrich Wollert, Reval

The German Resettlement Trustee Company was founded on 3 November 1939 and began functioning a few days later. At about the same time, German Trustee Administrations were established in Latvia and Estonia. The chiefs of management in these organizations are local members of our company.

The functions of our company are, on the one hand, matters pertaining to the winding up and transfers of property left by the resettlers in the country of origin. On the other hand, the taking care of the reinstatement of the resettlers in the new settlement territories of the Reich in respect to all economic matters. A suitable organization had to be especially and urgently established, to make it possible to provide the resettlers, for the transitional period until they started to work, with advance loans on their property which they had left behind, subsidies, transitional monies when they were being assigned their own housing, and finally with funds for the building up of a new living, as well as advice and taking care of their economic problems.

During the short period of time from the start of our organization until the end of the year all these tasks could in all respects be brought nearer to their solution. In Poznan, the central point of resettlement of the settlers from the north and east of Europe, a branch was established immediately upon the foundation of our company. The preparations for the establishment of further branches in Innsbruck and Danzig still could be made before the end of the year, so that these branches have in the meantime also been established and have taken up their work. In order to procure reconstruction credits on a big scale—sparing the Reich budget resources—a credit of 100 million reichsmarks has been provided through an agreement with a banking syndicate.

By the end of the year, 2,502,765.23 reichsmarks were paid out to the resettlers in subsidies and transitional monies from the funds put at our disposal. Furthermore, reconstruction credits of 64,766.23 reichsmarks could be granted. In the new year, activity in this field has become of a much bigger scope.

At the end of the year, we had in Berlin, 91; in the Poznan branch, 54; and in the Innsbruck branch, 2 staff members.

At the beginning of the new year, Dr. Alfred Kulemann, Berlin, joined the management.

Assets	*Balance*	*RM*
Cash reserve		
a. Cash balance (German and foreign currency)	RM 6,558.79	
b. Outstanding credit on Reich Bank endorsement and Post Office checking account	RM 23,562.67	30,121.46
Our own securities:		
Interest bearing treasury bonds of the Reich		247,375.00
Short term claims against credit institutions of undisputable indemnity and liquidity		1,924,817.20
Debitors:		
Advance loans and subsidies to resettlers		2,502,765.23
Reconstruction credits from our own funds		64,766.23
Other debitors		12,339.22
Interest holders		781,660.00
Business and office expenditures		2.00
Outstanding deposits of the original capital		750,000.00
Items pertaining to bookkeeping		100.00
		6,313,946.34

Berlin, 31 December 1939

German Resettlement Trustee Company
The Management:
Dr. Kleinschmidt
Dr. Schmoelder

31 December 1939 Liabilities	*RM*
Liabilities	
Reich Leader SS, Reich Commissioner for the Strengthening of Germanism (current accounts)	4,298,496.33
Other monies raised in the inland	166,750.18
Other creditors	790,897.67
Transferred liquidation proceeds	50,312.50
Original capital	1,000,000.00
Items pertaining to bookkeeping	7,489.66
	6,313,946.34

TRANSLATION OF DOCUMENT NO-5356
PROSECUTION EXHIBIT 1372

LETTER FROM THE DUT MAIN OFFICE TO THE BRANCH OFFICE OF THE DUT AT KATOWICE, 26 MAY 1941, TRANSMITTING A MEMORANDUM CONCERNING THE TREATMENT OF PERSONS REGISTERED IN GROUPS 3 AND 4 OF THE GERMAN PEOPLE'S LIST

German Resettlement Trustee Company
Berlin W 8, 26 May 1941

To the German Resettlement Trustee Company
Branch Katowice, Johannstrasse 10

Quote in Reply: I/Dr. Kl/Wg

Subject: Treatment of persons registered in groups 3 and 4 of the German People's List.

For your preliminary information we send you a copy of a memorandum* on a discussion of fundamental importance at the office of the Reich Commissioner [for the Strengthening of Germanism]. The results are not definitive as yet because the instructions are still being worked on at the office of the Reich Commissioner.

Amicably, Heil Hitler
German Resettlement Trustee Co.
[Illegible Signature]
[Stamp] 29 May 1941

1 enclosure
[Stamp] Enclosure 707

* This memorandum, Document NO-5357, Prosecution Exhibit 1373, is reproduced immediately below.

TRANSLATION OF DOCUMENT NO-5357
PROSECUTION EXHIBIT 1373

MEMORANDUM OF KLEINSCHMIDT, 19 MAY 1941, CONCERNING A CONFERENCE ON THE TRANSFER FROM POLAND TO GERMANY OF PERSONS UNDER POLISH INFLUENCE BUT QUALIFIED FOR GERMANIZATION AND OF ETHNIC-GERMAN RENEGADES WHO HAVE OPPOSED GERMANISM IN THE PAST, AND THE HANDLING OF THEIR PROPERTY

I/Dr. Kl/Wg

Subject: Treatment of persons registered on the German People's List [deutsche Volksliste] Groups 3 and 4.

(*Group 3*—Persons under Polish influence, but qualified for Germanization.

Group 4—Disloyal racial Germans who were opponents of Germanism [Deutschtum] in the past.)

On 16 May 1941 a conference was held at the office of the Reich Commissioner, with attorney Goetz presiding, in which representatives from all delegates of the Reich Commissioner with the Reich Governors and from the SD participated. Subject of the discussion was the draft for a circular decree devised by the legal department of the Reich Commissioner on the treatment of the property of persons falling under group 3 or 4 of the German People's List in the newly acquired eastern territories.

Basis of the discussion is the political tendency to transplant the above-mentioned groups of persons, whose Germanism cannot be considered permanently strengthened, from the newly acquired eastern territories to the old Reich [Altreich]. The persons concerned are racial Germans [Personen deutschen Volkstums] but whose attitude and activities in the past professed them rather to be opponents than followers of Germanism. The Reich Leader SS proceeds from the principle that German blood should not get lost under any circumstances. On the contrary, one should attempt to Germanize [einzudeutschen] those persons and, above all, their children and grandchildren and thus to preserve them to Germanism. For this purpose it is necessary on the one hand to transplant these persons to the old Reich for Germanization and, on the other hand, to have them give up their real estate in the newly acquired eastern territories, but receive a proper compensation in order to start a new living in the Reich.

While there can be no doubt that persons of group 4 have to be transplanted from the newly acquired eastern territories and partly already have been transferred, the transplanting of persons of group 3 is not possible because of war conditions (battle

of production, transportation difficulties). It cannot be surveyed when and how soon the transplanting of group 3 can be carried out. On the other hand, the Reich Commissioner wants to establish already now clear directives for this group in order to reassure these people and to let them know what they have to expect. It must be taken into account that in many cases the confiscation of the property of persons of group 4 and also of group 3 was already ordered on the basis of the decree for Poles [Polenverordnung].

The discussion of the principles laid down in the draft by the legal department of the Reich Commissioner had in detail the following results:

A. Group 4.—The factual and legal status of persons who have been, or will be, registered in the German People's List as group 4 is less of a problem than of those who come under group 3. Concerning their property status, the consequences to be taken are simpler and clearer.

1. Agriculture.—As far as the agricultural property of persons of group 4 is concerned, the confiscation has taken place in favor of the Reich Commissioner on the basis of the decree for Poles. For the registration of property, the SS Real Estate Offices [SS Bodenaemter] and/or other representatives of the Reich Commissioner are competent. The farms will be confiscated. The utilization takes place according to regulations issued by the Reich Commissioner by an office still to be charged with it. Possibly the German Settlement Company [Deutsche Ansiedlungsgesellschaft (DAG)] will be called on to do it. The equivalent will be credited to special accounts of the Reich Commissioner. The further handling of these assets will be regulated later on. If, in an exceptional case, confiscation should not yet have taken place, it will be subsequently carried out.

2. Trade sector.—Here the confiscation—if already carried out—has also been made on the basis of regulation of 17 September 1940 in favor of the Main Trustee Office East [Haupttreuhandstelle Ost (HTO)]. The Main Trustee Office East is the competent agency also for utilization. What is confiscated remains confiscated. What is not yet confiscated will not be confiscated. The proceeds of the utilization by the HTO will be held there on special blocked accounts at the disposal of the Reich Commissioner. Here the question comes up, how it works out, if such an enterprise is utilized through transfer to a resettler by way of clearing certificates. The representative of the HTO, attorney Pfennig, backed the point of view that in such cases, for the purpose of the establishment of the blocked account, no settlement certificate may be issued, but payment must be made in

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cash. The undersigned however has stressed emphatically the point of view that a payment in cash is out of question. If already at the time of the creation of the clearing certificates it was found useless to furnish a Reich agency, namely the Main Trustee Office East, with Reich budget funds for the purpose of paying the factories, this in my opinion applies all the more in this case. A payment in cash would only have the result that the Reich Commissioner would pay himself with budget funds via the blocked accounts at the Main Trustee Office East. To use cash amounts for this purpose is even less reasonable than the sale to resettlers in the utilization of other Main Trustee Office East enterprises.

B. Group 3.—The basis for estimating the property of the members of group 3 is the theory that only a gradual emigration within an undetermined period, and thus only a gradual utilization of property, is possible.

1. Agriculture.—Due to confiscation, the farms belonging to persons of group 3 are partially under public management. In view of the battle for production, there was general agreement about the necessity and expediency to cancel public management. Its principle shall be formulated in such a manner that it may be applied. In practice, the representative of the Reich Commissioner shall, in agreement with the Ostland, decide in each case on the abolition of public management. *De jure,* the confiscation as such remains in existence, but in practice does not become effective if public management has not been applied so far, or if public management is abolished. In the case it is abolished, the commissioned administrators are recalled and the persons concerned will be reinstated in their farms. However, as far as resettlers have been put into such farms, they shall remain. In these cases the proprietor will not be reinstated.

2. Trade sector and urban real estates.—In principle, the administration by commissioner is to be abolished, with two important exceptions. *First exception—a resettler is appointed commissioned administrator.* If a resettler has been put in who is unable to obtain another factory, the resettler is to have priority and the factory is to be managed by him as a commissioner, with sale to the resettler to follow. The representative of the Reich Commissioner shall decide hereupon in agreement with the HTO and the DUT. *Second exception—armament factories.* Here the commissioned administration shall be kept on principle and the proprietor shall not be put in again.

3. Compensation procedure.—As far as confiscated factories of members of group 3 have already been utilized, or as far as they are still to be utilized in the above-mentioned exceptional

cases where administration by commission is to be abolished, the proprietor remains limited to the amount of the sale, which is put on blocked account. In all other cases it is planned to leave to the proprietor a limited chance of a free sale. Also to this point details will be set down in the directives. The amount of compensation is to be fixed by the Reich Commissioner in accordance with the re-Germanization purpose. On principle, real estate including accessories and trade enterprises is to be offered for sale to the agency appointed by the Reich Commissioner. If the sale is not negotiated within a limited time, the plan is to decree a legal transfer to the Reich Commissioner, respectively the office appointed by him.

The entire property of the members of group 3, not represented by real estate or trade enterprises, is not subject to the measures provided for in the decree of 17 September 1940, or the decree of 12 February 1941 (confiscation, etc.). In the interest of Germanization, the persons concerned shall have full protection for their property, while the sale of immovable property becomes a necessary consequence of the resettlement to the old Reich.

Concerning all other details, the directives of the Reich Commissioner—a draft of which we will receive in the near future—can be cited. For the DUT it is important that we probably will be directly concerned with the acquisition of trade enterprises for the Reich Commissioner, because it is intended, insofar as this has not already been done through the HTO [Main Trustee Office East], to utilize these enterprises again for the Strengthening of Germanism. If an enterprise has been confiscated by the HTO on the basis of the decree of 17 September 1940 and if, within the above-mentioned exceptions from the abolition of the administration by commissioner, such an administration remains, this enterprise will be utilized by the HTO in the usual manner. In such a case a participation by the DUT will be possible only if perchance these enterprises will be bought by resettlers.

Berlin, 19 May 1941

Signed: DR. KLEINSCHMIDT*

* Kurt Kleinschmidt was one of the business managers of the DUT. An affidavit by him, Document Keppler 172, Keppler Defense Exhibit 197, is reproduced later in this section.

TRANSLATION OF DOCUMENT NO-5012
PROSECUTION EXHIBIT 1335

LETTER FROM SS MAJOR GENERAL GREIFELT TO DEFENDANT SCHWERIN VON KROSIGK, 10 SEPTEMBER 1941, CONCERNING ARRANGEMENTS FOR THE RESETTLEMENT OF BESSARABIAN-GERMAN RESETTLER FAMILIES IN THE PROTECTORATE ON CONFISCATED AND OTHER TYPES OF PROPERTY

IV—4/2-4/7 July 1941/Bg 10 September 1941

Subject: Settlement of Bessarabian-German resettlers in Koschatek, and on estates in Melnik district provided for settlement.

Reference: Telephone conversation of my Main Department Chief, Hiege, with Oberregierungsrat Franken on 8 September 1941.

Enclosure: One*

To the Reich Minister of Finance

Berlin W 8

Wilhelmplatz 1/2

With reference to paragraph VI of the Fuehrer decree, dated 7 October 1939, I am informing you that I shall first settle about 100 families of Bessarabian-German resettlers [Bessarabische Umsiedlerfamilien] in the Protectorate, in the district of Melnik, in agreement with the Reich Protector for Bohemia and Moravia.

The "Outlines for the Settlement of Bessarabian-Germans in the Protectorate for Bohemia and Moravia," as personally approved by the Reich Protector—copy of which is enclosed for your attention—will be put into operation.

The Reich Protector for Bohemia and Moravia has put several estates in the Melnik district at the disposal of this settlement, which consist of about 3,000 hectares of agricultural and wooded areas. Allocation of further 1,000 hectares of agricultural land for settlement of resettlers may be expected.

The above-mentioned approximate 3,000 hectares available at present are former Jewish property, enemy property, property of enemies of the State, government property, property of the Bureau of Lands [bodenamtseigenem Besitz], and Czech-Aryan property and are contained in the proceedings "Koschatek, Melnik district."

The value of the property as left behind in their homeland by the Bessarabian-German resettlers is to be compensated in full by the earning power of the new farms to be established. Orderly

* The enclosure was not a part of the document offered in evidence.

winding up of the Koschatek settlement, however, will not be accomplished without considerable irretrievable grants by the Reich, due to prevailing circumstances.

The Bureau of Lands, Prague, recently informed me that the Secret State Police had meanwhile seized in favor of the Reich some real estate from property of enemies of the State and earmarked for resettlers. According to information given by the Bureau of Lands, Prague, more confiscations of property of enemies of the State are to be expected, which also would be included into the Koschatek procedure.

With regard to paragraphs 10 and 11 of the "Outlines for the Settlement of Bessarabian-Germans in the Protectorate of Bohemia and Moravia," an early clarification is required about the purchase price to be paid for real estate belonging to enemies of the State.

According to your decision, the High Command of the Army will receive through me, free of charge, farmland from confiscated former Polish and Jewish property for the establishment of training grounds. You decided the same regarding the transfer of experimental farms to the Reich University Posen [Poznan]. I therefore assume that disposal of real estate from property of enemies of the State in favor of resettlers will, in the present case, also be without payment of purchase price but rather that registered mortgages are to be taken over. I would appreciate a speedy decision.

AS DEPUTY:

Signed: GREIFELT
SS Major General

EXPRESS LETTER FROM DEFENDANT LAMMERS TO KEITEL, HIMMLER, DEFENDANT STUCKART, AND THREE GAU LEADERS, 22 JULY 1942, GIVING NOTICE OF A FORTHCOMING CONFERENCE WITH HITLER ON QUESTIONS OF RESETTLEMENT, COMPULSORY MILITARY TRAINING, AND CITIZENSHIP IN ALSACE, LORRAINE, AND LUXEMBOURG

The Reich Minister and Chief of the Reich Chancellery
Rk. 527 B g
Please use this reference mark number
in future further correspondence

Berlin W 8, 22 July 1942
Voss Strasse 6
At present: Field Headquarters
All mail only to be sent to the
Berlin address

[Stamp] Secret

[Illegible handwriting]

[Stamp] *Express Letter*

To: Field Marshal Keitel
Chief of the High Command of the Armed Forces
Wehrmacht Operational Staff
Herr Himmler, Reich Leader SS, Command Post
Headquarters of the Reich Leader SS, Personally
The Reich Minister of the Interior
Attention: State Secretary Dr. Stuckart
Reich Ministry of the Interior
Gauleiter Buerckel, Chief of Civil Administration in Lorraine,
Saarbruecken, Hindenburgstrasse 15
Gauleiter Robert Wagner, Chief of Civil Administration in Alsace,
Strasbourg (Alsace), Brandgasse 19
Gauleiter Simon, Chief of Civil Administration in Luxembourg,
Luxembourg, Adolf Hitler Strasse 35

Dear Reich Leader!

In the near future, the Fuehrer, in a joint conference with the gentlemen listed at the beginning of this letter, wishes to discuss the question of a possible resettlement of families of Alsace, Lorraine, and Luxembourg in the Reich, the Government General, or in the Occupied Eastern Territories, as well as the questions connected with the introduction of general compulsory military serv-

ice and the granting of citizenship in Alsace, Lorraine, and Luxembourg.

I should like to request that you hold yourself in readiness for this conference. As soon as the Fuehrer has set a date for it, I shall let you know without delay.

Heil Hitler!

Yours truly,

[Signed] DR. LAMMERS

PARTIAL TRANSLATION OF DOCUMENT R–114 PROSECUTION EXHIBIT 1298

MEMORANDUM BY DR. STIER, 7 AUGUST 1942, CONCERNING A CONFERENCE ON "GENERAL DIRECTIONS FOR THE TREATMENT OF DEPORTED ALSATIANS" ATTENDED BY REPRESENTATIVES OF THE LAND OFFICE AND SETTLEMENT STAFF, STRASBOURG, THE OFFICE FOR THE REPATRIATION OF ETHNIC GERMANS, THE REICH SECURITY MAIN OFFICE, AND THE DUT

Berlin, 7 August 1942

I–1/7 Els. 4 Dr. St/Ha

Memo on meeting of 4 August 1942

Subject: General directions for the treatment of deported Alsatians.

Present:

SS Captain Dr. Stier
SS Captain Petri
Government Counsellor Hoffmann
Dr. Scherler
SS Second Lieutenant Foerster
} Staff Headquarters, [Of the Reich Commissioner for the Strengthening of Germanism]

SS Lieutenant Colonel Dr. Hinrichs, Chief of Land Office and Settlement Staff, Strasbourg

SS Major Brueckner, Office for the Repatriation of Ethnic Germans

SS Captain Hummitsch, Reich Security Main Office

SS Second Lieutenant Dr. Sieder, Race and Settlement Main Office

Dr. Labes, DUT

A

I. *State of deportation in Alsace.*

The starting point of the conference was a report on the deportation effected so far and further plans for resettlement in Alsace.

1. The first expulsion action [Ausweisungsaktion] was carried out in Alsace in the period from July to December 1940. In the course of it, 105,000 persons were either expelled or prevented from returning. They were in the main Jews, gypsies, and other foreign racial elements, criminals, asocial, and incurably insane persons, and in addition, Frenchmen and Francophiles. The patois population was combed out by this series of deportations [Aussiedlungswelle] in the same way as the other Alsatians.

II.

1. Referring to the permission the Fuehrer had given him to cleanse Alsace of all foreign, sick, or unreliable elements, Gauleiter Wagner has recently pointed out the political necessity of a second deportation action which is to be prepared as soon as possible.

The following classes of people are to be affected by this measure:

a. Colored persons and their offspring,
Negroes and persons of colored blood
Gypsies and their offspring
Jews, from half-Jews on
Mixed Jewish marriages
b. People of foreign race and their offspring
c. The patois population
d. Asocial persons
e. Incurably insane persons

2. The following persons are designated for immediate deportation by order of the Reich Governor:

a. Families whose children have shirked their labor services and prospective military service by fleeing to France. So far 8 families have been discovered in which this situation applies.

b. Resettlement [Umsiedlung] of special cases in the interior of the Reich for purposes of Germanization; for example, families or individuals who celebrated the French National day, 14 July 1942, in a manner deliberately hostile to German ideas and the present day State. There are about 20 of these persons.

c. In special cases as a means of punishment, for example, individuals who have been designated by the Security Police as unfit to live in Alsace and suitable for deportation. These are persons who, though racially of value, have been at some time

previously in a concentration camp for grave offenses against the German nation. The number of these persons is estimated at 150 heads.

d. The following are scheduled for further deportation: Members of the patois group. The Gauleiter wishes to retain only such persons in the present patois area as adhere to Germanism in their customs, in their language, and in their general attitude with regard to cases under headings [paragraphs II 1] *a* to *d* above. It is to be noted that the problem of race will be given first consideration, and this in such a manner that persons of racial value will be deported to Germany proper and racially inferior persons to France.

B

The representatives of the SS Main Offices present were united in this opinion:

I. In order to ensure a uniform terminology, the following expressions will be used in future:

a. Shifting [Absiedlung] means—removing persons from districts in which they have hitherto lived, while keeping them within the Reich.

b. Evacuation [Evakuierung] means—expelling persons from the Reich.

c. Resettlement [Umsiedlung] means—removing racial Germans from foreign areas in order to bring them within the Reich.

II. 1. The Gauleiter's plans for evacuation can be approved in principle, since they confine themselves in fact to a class of persons whose presence in the Reich would be insupportable for racial and political reasons.

2. The shifting of the patois population should, as a rule, be deferred until the end of the war, except insofar as it concerns persons who cannot be tolerated in Alsace because of their political activity.

3. The shifting of persons mentioned under headings [section *A*] I and II*a* should be approved in principle. It should be noted that the class of persons affected is limited to those cases whose immediate expulsion (Abschiebung) is absolutely necessary. There is a general agreement on the view that more persons may be expected to try to escape to France, when compulsory military service is introduced. The families of such persons will have to be shifted in the same way as those of shirkers of labor service, unless the family is actually not an accessory to the escape of its member. If the fled individual has not lived with his family, his guardian is to be shifted instead of the family.

A distribution is to be made with regard to the relatives of shirkers of labor or military service, according to whether the

guilt of the family is greater or lesser. In order to differentiate sharply between measures for Germanization and measures of punishment, it is provided that at first they be dealt with in camps by the Security Police. Type and duration of this treatment will depend on the conduct of the family. At the conclusion of this penal imprisonment, the family is to be released and handed over for Germanization. It is conceivable that in special cases the Germanization may be started at once. Persons politically tainted to a lesser degree may be settled in west or central Germany, but as a general rule east of the Rhine. The worse the political record and the francophile conduct of a person, the farther away from his old locality is he to be settled. It is to be made clear to the shifted persons that their being shifted was the necessary consequence of their relative's escape, but their further treatment depends on the conduct of the shifted family members themselves.

4. For use in deciding whether a person is to be shifted or evacuated, and as a basis for subsequent settlement and treatment, there should be drafted (in addition to racial and political screening) a general assessment of his work and conduct. A person specially qualified for this task is to be charged with making this assessment.

5. The property of shifted persons shall be dealt with in substantially the same way as the property of members of section 4 of the German Ethnic List. Personal chattels are, as a rule, to be left in the possession of the shifted persons. Under the existing law, the remainder of the property would have to be confiscated and handed over to the Chief of the Civilian Administration. Efforts should be made to have this property transferred to the Reich Leader SS in his capacity as Reich Commissioner for the Strengthening of Germanism. Prospects of compensation for property if good conduct is shown, should as a rule, be given. This compensation will be granted according to conduct and degree of re-Germanization, after a certain period of probation. The estate of the shifted persons is to be charged with appropriate expenses for removal and transport. In the case of paupers these expenses, like those of the other measures for shifting or evacuation, must be borne by the Reich Commissioner.

PARTIAL TRANSLATION OF DOCUMENT NO–4265
PROSECUTION EXHIBIT 1371

EXTRACTS FROM THE TABLE OF ORGANIZATION OF THE CENTRAL OFFICE OF DUT AS OF 1 JANUARY 1943

German Resettlement Trustee Company

Table of Organization of the Central Office

Berlin W 8, Mohrenstrasse 42–44

As of 1 January 1943 Telephone: 1651/61

Offices: Danzig, Innsbruck, Katowice, Marburg, Poznan, Strasbourg

Field Offices: Zagreb, Bolzano, Bucharest, Paris

Liaison Offices: Belgrade, Bialystok, Lvov, Lublin, Reval, Riga, Vienna

Branch Offices: Fulnek, Kauen, Klagenfurt, Lodz, Luxembourg, Metz, Rann, Zamosc, Zichenau

Business Offices: (of the DUT, Bolzano) Brixen, Bruneck, Merano, Sterzing, Tarvis, St. Ulrich

Representatives: KraKow, Prague

I.**Management*

* Symbols: ††† Manager; †† Prokurist; † Agent

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II. *Administrative Departments*

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III. *Special Staff Departments*

III/1. *Legal and Distribution Division*

Director Dr. Weber††——Management

R. A. Eichholz†——Rules for credits, pensions, alimonies, legal questions and commitment matters concerning industry, trade register, notary affairs

R. A. Dr. Nicolai†——Granting of resettlement rights, Reich Germans non-resettlers, legal and commitment matters concerning movie houses and shipping business, assignment matters concerning dependants, offenses, legal questions of the personnel and supply offices

R. A. Wilde†	Legal and assignment questions connected with city real estate, industrial concessions, questions of taxes Special questions, for instance—The Effect of City Planning on Resettlement
A. G. Rt. Dr. Labes†	Legal and assignment questions in commerce. Legal questions pertaining to Enemy Property Custodian
R. A. Dr. Sander†	Legal questions in the field of loans. Legal and assignment questions for artisans
R. A. Dr. Schmitz	Principles for work of DUT. Questions of succession
Kremzow††, Schottmann††	Assignment questions connected with resettlement from Estonia and Latvia
Steege††	Assignment questions for resettlers from Volhynia, Galicia, and Narev Regions
Schadt††	Assignment questions for resettlers from the Government General
v. Pusch††	Assignment questions for resettlers from Bessarabia, North Bucovina
R. A. Dr. Adler†	Assignment questions for resettlers from Dobruja-Southern Bucovina
III/11 R. A. Dr. Nicolai†	Legal questions of resettlement for (unreadable) resettlement to Estonia and Latvia
III/12 R. A. Wilde†	Legal questions in A-cases.* Acquisition of Polish and Jewish real estate in consequence of an A-case
III/13 R. A. Dr. Sander†	Special assignment in action

* "A-cases" refer to "Altreich cases" or cases of resettling persons within the borders of prewar Germany, often called the "Altreich" or "Old Reich." See the explanation given in the extracts from the testimony of defendant Keppler reproduced later in this section.

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III/31 *Settlement Division Balticum*

Schottmann†† Kremzow††	Chief of Department
Kremzow ††	Agricultural settlement
Brosinsky†	General property accounting
Luft†	Municipal real estate settlement interest depreciation payments
R. A. Engelmann	Private pensions, continuous payments, organization properties, charitable contributions
Rohrbach	Furniture settlement, debts
Putnin	Furniture settlement, animals
Fr. Keydel	Furniture settlement
Walter	Life insurance, burial funds

III/32 *Settlement Division Russia (Volhynia-Galicia-Narev territory)*

Steege††	Chief of Department
Fechner† & Orth†	Deputies: Fechner, cash settlement; Orth Payment-in-Kind settlement
Backhaus†	Agricultural, municipal, and trade settlement, A-cases
Wittmann	Country real estate "O-cases"*
Regener	Municipal real estate O-cases
Unruh	Trade business O-cases
Rohde	Settlement for cash, luggage damages, horses, furniture settlement
Schoene	Life insurance, PKO and savings accounts, securities, Raiffeisenkassen
Seelhoff	Property information, interest depreciation payments

III/33 *Settlement Division-Bessarabia—Northern Bucovina*

Beneke†	Chief of Department

* "O-cases" refers to "Ost" or East cases, or cases of resettling persons in German occupied areas in the East. See the explanation given in the extracts from the testimony of defendant Keppler reproduced later in this section.

Stetina ---------- Debts, claims, furniture and household utensils, legacy regulations

Blumert ---------- Cash

Seifert ---------- A-Case settlement

Anderson ---------- Valuables, gold coins, documents, securities, life insurances

Westphal ---------- R-cases, "wild" returnees

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IV. *Department Individual Countries*

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IV/51 *Division Hungary*

R. A. Dr. Adler† ---------- Chief of Department

IV/61 *Division Bessarabia-Northern Bucovina*

v. Pusch†† ---------- Chief of Department

Freyberg† ---------- Property index and property information

IV/61 *Division Bessarabia-Northern Bucovina, Division for Special Problems*

R. A. Herrmuth†† ---------- Chief of Department

IV/62 *Division Volhynia-Galicia-Narev-Territory*

Steege†† ---------- Chief of Department
Fechner†
Backhaus†

IV/7 *Division Bulgaria*

R. A. Dr. Adler† ---------- Chief of Department

IV/71 *Division Greece* (Herakleion)

R. A. Dr. Adler† ---------- Chief of Department

IV/8 *Division Laibach*

Schadt†† ---------- Chief of Department

von der Borch† ---------- Deputy

IV/81 *Division Transplanting Lower Styria/Upper Krain*

Schadt†† ---------- Chief of Department

von der Borch† ---------- Deputy

IV/9 *Division France*

A. G. Rt. Dr. Labes† ---------- Chief of Department

IV/91 *Division Transplanting Alsace, Lorraine, and Luxembourg*

Dr. Ziersch††----------Chief of Department

IV/10 *Division Serbia*

R. A. Herrmuth----------Chief of Department

IV/A 1 *Division Africa*

R. A. Dr. Nicolai†---------Chief of Department

IV/A 2 *Division Croatia*

Schadt†† ----------Chief of Department

R. A. Dr. Haas----------Deputy

IV/A 21 *Division Transplanting of Croatian Nationals from Lower Styria*

Schadt†† ----------Chief of Department

R. A. Dr. Haas----------Deputy

IV/A 3 *Division America*

R. A. Dr. Nicolai†---------Chief of Department

IV/A 4 *Division Slovakia*

R. A. Herrmuth††---------Chief of Department

V *Baltic Division* (*Estonia-Latvia*)

R. A. Schoeler††----------Chief of Department

V/1 L. *Division Latvia Property Evaluation*

Schulz†

Intelmann†

V/2 E. *Division Estonia Property Evaluation*

Eichfuss†

Beermann†

Sternheim†

Yberslandt†

Berlin, 4 January 1943
185/107 January 1943.500

PARTIAL TRANSLATION OF DOCUMENT NO–2202
PROSECUTION EXHIBIT 1328

LETTER FROM DEFENDANT LAMMERS TO HIMMLER, 4 JUNE 1943, TRANSMITTING FRANK'S REPORT ON RESETTLEMENT TO HITLER, AND REQUESTING HIMMLER'S OPINION IN ORDER TO SUBMIT AN OBJECTIVE PICTURE TO HITLER

[Handwritten] XI a/52
[Initials] H. H. [Heinrich Himmler]
Berlin W 8, 4 June 1943
Vosstrasse 6, at present
in field quarters
Mail is to be addressed
exclusively to the Berlin
address

The Reich Minister and Chief of the Reich Chancellery
Reich Chancellery 491 D g. Rs

Top Secret

To the Reich Commissioner for the Strengthening of Germanism,
Reich Leader SS Himmler

Subject: Division of competence between the Reich Commissioner for the Strengthening of Germanism and the general administration in the Government General.

Dear Reich Leader!

Enclosed I send you copy of request by the Governor General to the Fuehrer, asking for the Fuehrer's decision regarding a division of competence between the Reich Commissioner for Strengthening of Germanism on the one hand and the general administration on the other.

The application is mainly concerned with the problem of resettlement. It has been reported to me that your deputy, SS Lieutenant General and Lieutenant General of Police Krueger, declared (at a meeting on 31 May of this year, which took place in the KraKow Castle with the Governor General presiding) that the resettlement of ethnic Germans in the Government General, and the expulsion of Poles connected with it, had been discontinued on your orders. I conclude therefrom that the complaints [Ausfuehrungen] of the Governor General on this question can be regarded as settled.

I would, all the same, be grateful for your opinion regarding the remaining differences of opinion, summarized on the last three

pages of the application, in order to enable me to give the Fuehrer an objective picture of the facts when I report to him on this matter.

Heil Hitler!
Yours faithfully,
[Signed] DR. LAMMERS

Copy enclosed with Reich Chancellery 491 D, Secret

KraKow, 25 May 1943

The Governor General
Chief of Office 13/43 Rs—22

[Stamp] Top Secret

My Fuehrer!

The lack of a decision on the basic question in which way and how the Reich Commissioner for Strengthening of Germanism in the Government General is to carry out his measures and aims forms the deplorable cause for continuous alarm in the whole of the territory entrusted by you to my administration, and carries with it the danger, demonstrated in practice, that the public authorities are working parallel or against each other; the danger of a tedious fight about questions of prestige; and in general, great damage to the respect for German authority and to the total success of the exploitation of the territory for an increase of the German economic and war potential.

In your decree concerning the institution of a State Secretariat for Security Matters in the Government General of 7 May 1942, you made it my duty to ask for your decision, via the Reich Minister and Chief of the Reich Chancellery, in case of a difference of opinion arising with the Reich Commissioner for Strengthening of Germanism respecting the whole of the work. In my endeavor not to increase your immense responsibilities and burden of work without the most pressing necessity, I tried till today in every way conceivable to bring about a settlement with the offices of the Reich Commissioner for Strengthening of Germanism and with the Reich Commissioner himself. Since these attempts have not led to a satisfactory result, I feel that I shall only be able to achieve the absolutely necessary clarification in one of the most important spheres of work in the Government General by way of a basic decision given by you yourself, and therefore I beg you, my Fuehrer, to give your benevolent understanding to my wish to have the matter cleared up, considering the grave significance of local developments.

953402—52——40

At the top of all the outstanding questions between the Reich Commissioner for Strengthening of Germanism and myself is, because of its far-reaching political implications, the problem of the settlement of ethnic Germans in the Government General and the expulsion of the local population necessarily connected with it. If I may say so, the basis for my attitude in this question is the consciousness that it is one of the most honorable and most urgent tasks of the German leadership to create a home in the eastern territories conquered by the German sword and blood for the ethnic Germans who had been withdrawn from the spaces formerly under alien domination. But to me it seems necessary to weigh carefully the question whether this aim should be realized in the middle of the fight for the existence of the German people, which means that we have to accept grave disadvantages in the economic and other spheres, or whether it would not be more expedient to postpone the execution of these measures to a date when it will be possible to carry out the necessary basic preparations for the introduction of ethnic German resettlers without being hindered by difficulties caused by the war, and without the loss of the important economic contributions made by the territory envisaged for resettlement, to the detriment of the German war effort.

* * * * * * *

According to my own conviction, the reason for the complete destruction of public order is to be found exclusively in the fact that the expelled persons were in some cases given only 10 minutes, in no case more than 2 hours, to scrape together their most necessary belongings to take with them. Men, women, children, and old people were brought into mass camps, frequently without any clothing or equipment; there they were sorted into groups of people fit for work, less fit for work, and unfit for work (especially children and aged persons) without regard to any family ties. All connections between the members of families were thus severed, so that the fate of one group remained unknown to the other. It will be understood that these measures caused an indescribable panic among the population affected by the expulsion, and the result was that approximately half of the population earmarked for expulsion, fled. They fled, in their despair, from the expulsion district and have contributed considerably to the increase of groups of bandits which existed for some time in the Lublin district, and which act with continuously increasing audacity and force. This movement has extended like waves, also to the inhabitants of those rural districts which were not—in any case not yet—intended to be affected by the expulsion. In the course of these events it has even happened that the newly

settled ethnic Germans, forced by losses inflicted on them by bandit actions, frequently banded together into armed troops and procured for themselves from the surrounding villages with alien populations—on their own initiative and by force of arms—the necessary implements for their farms.

This chaotic situation was further aggravated by retaliatory measures by the police in the Lublin district to forestall additional attacks on ethnic German villages. These retaliatory measures consisted, among other things, in mass shootings of innocent persons, especially of women and children and also of aged persons, between the ages of 2 and over 80. Experience has taught that these measures have only a slight deterrent effect on these bandits who are frequently under Bolshevist leadership. But they increase the exasperation and the hatred of the innocent ones affected, including those parts of the population which fear that in future they might be affected by similar measures; and thus now, active followers for the resistance movement, led by the Polish intelligentsia and ample propaganda material directed by the extremely active Bolshevist agitation, are played into their hands.

The consequences of this semirebellious state of affairs, caused by the expulsion measures in the Lublin district, especially in the Zamosc area and vicinity, made themselves felt throughout the whole of the territory entrusted to me. I am proud of the fact that in 3 years of German administration of this territory under my authoritative influence, hardly any sacrifices of German lives has had to be made, in spite of having to carry out numerous measures necessitated by circumstances. In the short period from the beginning of the expulsions, carried out against my will, considerable and deplorable casualties have occurred among the German people settled here, among the police, and the Wehrmacht, as well as among the civil administration personnel.

* * * * * * *

In connection with the execution of the resettlement plan described by me, the point of view has often been maintained that all humanitarian considerations must be completely neglected. May I give the assurance that I, too, share this view utterly and completely. I know the hardship and ruthlessness of total war as well as anybody, and I know from my own experience the unspeakable sufferings inflicted by alien oppressors on those fellow-countrymen who professed their Germanism. I decided to make this description solely and exclusively because I can see consequences grow out of the described events which must seriously endanger the conditions necessary for final victory. That I think, I have made clear. I therefore ask you, my Fuehrer, to

decide under due consideration of the facts submitted, whether the resettlement of ethnic German peasants and of townspeople in the Government General is to be continued—

a. Despite an enormous deficit in agricultural production which is certain to be the result, which cannot be borne by the food situation in greater Germany.

b. Despite the fact that the development of the security situation during the last months is forcing us to the conclusion that the important territory, entrusted to me, through which the supply route led from the Reich to the East Front, cannot be kept content even by the hardest means of pressure if resettlement continues, and that we are threatened with sabotage, revolt, and dissolution of public order with all their consequences to the conduct of the war.

* * * * * * *

My Fuehrer! The total order to administer the Government General, given to me in October 1939, is still in force. Today I still shoulder the total responsibility for the territory entrusted to me by this honorable order. Without a clarification of the competences of the Reich Commissioner for Strengthening of Germanism, for which I ask, any further effective work will be impossible.

Heil to you, my Fuehrer!

Yours

[Signed] FRANK

3 Enclosures.[1]

2. TESTIMONY OF PROSECUTION WITNESS LUDWIG METZGER[2]

DIRECT EXAMINATION

MR. LANDIS: Will you state your name, please?
WITNESS METZGER: Metzger, Ludwig.
Q. And when were you born?
A. On 18 March 1902.
Q. Where?
A. In Darmstadt.
Q. And do you live in Darmstadt now?
A. Yes.
Q. Are you a citizen of Germany?
A. Yes.
Q. Did you ever join the Nazi Party?

[1] The enclosures were not a part of the exhibit offered in evidence.

[2] Metzger's testimony is recorded in the mimeographed transcript, 11 March 1948, pages 2994–3000.

A. No.

Q. Did you ever join any of the affiliated organizations of the Party?

A. No, only the NS Welfare Association and the NS Jurists' League.

Q. What is your profession?

A. I am mayor.

Q. I am sorry, I didn't get that.

A. I am mayor.

Q. Were you ever employed by the DUT?

A. Yes.

Q. What was your position?

A. I was head of the Legal Division of the branch office in Luxembourg.

Q. In what year were you employed by the DUT?

A. That was in 1943 and 1944.

Q. How long was your office located in Luxembourg?

A. From January 1943 until the Americans marched in, or shortly before that date.

Q. Did you also have an office in Alsace?

A. Yes.

Q. When?

A. In 1944.

Q. Can you describe briefly how the DUT handled the property of Luxembourgers, Alsatians, and Lorrainers who were deported?

A. First of all, I would like to say the work in Luxembourg did not extend to Lorraine but only to Alsace. The work was as follows:

The DUT had to administer the property of the evacuees [Abgesiedelten]. The evacuation itself was carried out by other agencies. The DUT, only the evening before the evacuation took place, was given the names of the people concerned. The next morning they were interviewed by DUT officials at the Hollerich Railroad Station; questionnaires were filled out, their property was listed in these questionnaires. After that, the property, and especially the movable goods in the homes of the evacuees was registered and listed in card indexes. Then the evacuees were asked to appoint authorized agents who had the authority to receive the movable property, especially the furniture.

My work, as head of the Legal Division, was to see especially that these authorized agents were actually appointed. I had to get in touch with them. The furniture was then handed over to the authorized agents. In some cases it would happen that the agents had to send furniture on to evacuees in Germany, but that was done only in a few cases. In most cases the furniture

was stored in Luxembourg, either by the authorized agents themselves or with acquaintances.

For the rest, the property was administered by DUT in such a way that wherever possible evacuees—that is, people who came from the South Tyrol or Rumania, but especially South Tyrol—were directed to industry or agriculture. Their assignment to industry was carried out by the Industrial Division of the DUT.

For the rest, the property was controlled by the DUT. Its value was assessed, and special assessors were appointed for this purpose. If anything was sold, the equivalent value was entered in a card index to the credit of the person whose property it was.

Q. What happened to bank accounts?

A. For the time being, bank accounts remained in the name of the evacuees [Abgesiedelten]. As far as I remember, at the end the bank accounts were put in a collective account with the "Bank fuer Arbeit," and the credits themselves were credited to the accounts of the deported people, which accounts were kept by the DUT.

Q. Did these evacuees ever receive their business, or properties, or real estate?

A. As I have already stated, movable property—that is, furniture, was handed over to authorized agents, who then disposed of it within the scope of the authority given them by the deported owner. The transportation of furniture to Germany, of course, depended on getting permission and on transportation facilities. Small sums of money, perhaps between 2 or 3 hundred marks, were sent to the evacuees on their application. If they wanted it, these amounts were released, but the remainder of the property remained blocked.

Q. Did you ever see a deportation?

A. I was at the Hollerich Railroad station one morning, and I saw the evacuees being questioned by DUT employees.

Q. Could you state whether the evacuees appeared to be willing or unwilling to go?

A. There is no doubt that they did not go voluntarily.

Q. I hand you a book, "Basic Laws and Regulations of the DUT,"* or I will have the messenger hand it to you.

A. Yes.

Q. And I ask you whether that is an official volume of the basic laws and regulations of the DUT?

A. Yes. This was the basis of the work of the DUT. In the main, as the index shows, these were directives used for the [occupied] eastern territories.

* A number of laws and regulations from this basic handbook were introduced in evidence with various document and exhibit numbers.

MR. LANDIS: No further questions.

PRESIDING JUDGE CHRISTIANSON: Any cross-examination? Dr. Schubert?

CROSS-EXAMINATION

DR. SCHUBERT (counsel for defendant Keppler): Witness, did the DUT have any connection with seizures? That is, did the DUT order any seizure? Or, who did it?

WITNESS METZGER: No. The deportation regulations, issued by the Chief of the Civil Administration, provided that, at the moment of deportation, property was automatically seized.

Q. And did the DUT issue regulations concerning the blocking of accounts and other property, or did regulations about the release of certain sums of money, which you mentioned, lie in the hands of the DUT or of others?

A. The provisions themselves were laid down in the deportation regulations. Details were settled by the Reich Commissioner for the Strengthening of Germanism.

Q. But not by the DUT?

JUDGE MAGUIRE: I can't hear.

PRESIDING JUDGE CHRISTIANSON: We are not getting it very clearly.

JUDGE MAGUIRE: We are not getting it.

WITNESS METZGER: The DUT was only in charge of property administration.

JUDGE MAGUIRE: I missed a whole sentence there; it just didn't come across.

PRESIDING JUDGE CHRISTIANSON: Dr. Schubert, will you go back and repeat your last two questions as near as you can remember them now, in order that we can get the record straight here?

DR. SCHUBERT: Witness, I ask you once again whether seizure, as such, was ordered by the DUT or by other agencies and if so, which?

WITNESS METZGER: Seizure was laid down in the deportation regulations issued by the Chief of Civil Administration. When the deportation took place, seizure was automatic.

Q. And the further provisions which you mentioned, concerning the blocking of accounts and property, and the payment of certain small sums of money?

A. Now you have put your question a bit differently this time. We have to differentiate between the regulations established and the way they were actually handled. The regulations were made by the Reich Commissioner for the Strengthening of Germanism.

Q. Yes, that is all I wanted to know—who laid down the rules? Were you ever in touch with the supervisory board of DUT?

A. No.

Q. Did you ever report to the supervisory board about your activities?

A. No.

PRESIDING JUDGE CHRISTIANSON: Is there any further cross-examination?

JUDGE MAGUIRE: The witness has spoken of a Chief of Civil Administration. Who was that and to whom was he subordinate?

MR. LANDIS: If I remember, in Luxembourg, I think it was Simon but I think the witness would be better informed than I.

REDIRECT EXAMINATION

MR. LANDIS: Mr. Metzger, who was the Chief of Civil Administration in Luxembourg?

WITNESS METZGER: Simon.

Q. Who was the Chief of Civil Administration in Alsace?

A. Wagner.

Q. And do you know to whom they were responsible?

A. I think they were directly responsible to Hitler, as far as I know, in the same way as a Gauleiter and people in similar positions.

JUDGE MAGUIRE: Just one question. Who then does the prosecution claim this testimony refers to?

MR. LANDIS: Keppler was chairman of the supervisory board of the DUT.

PRESIDING JUDGE CHRISTIANSON: If there is no further examination on cross-examination, and no re-redirect, the witness may be excused.

* * * * * * *

3. AFFIDAVIT OF DEFENSE AFFIANT KLEINSCHMIDT

TRANSLATION OF DOCUMENT KEPPLER 172
KEPPLER DEFENSE EXHIBIT 197

AFFIDAVIT OF KURT KLEINSCHMIDT, 31 MAY 1948*

I, Dr. Kurt Kleinschmidt, born on 5 March 1904, in Frankfurt on Main-Hoechst, German national, residing at Friedelhausen (Lahn), Hofgut, having been duly warned that I make myself liable to punishment if I make a false affidavit, declare under oath that my statement is true and was made in order to be submitted as evidence before the Military Tribunal IV in the Palace of Justice, Nuernberg, Germany, Case 11.

I was one of the business managers of the German Resettle-

* The affiant was not called for cross-examination concerning this affidavit.

ment Trustee Company (DUT), which I joined on 7 November 1939.

The tasks of the DUT lay exclusively in the economic field. The first task consisted in giving financial support to the ethnic German resettlers coming from foreign countries, by advancing money toward their future compensation, financial support, and transition funds until their resettlement. In addition, it was incumbent upon the DUT to appraise the property left behind by the resettlers in their home country, to sell it as far as possible, and to transfer the proceeds to Germany. Lastly, one of the tasks of the DUT was to care for the resettlers financially in connection with their settlement in a new place, to enable them to build up a new life by giving advice in all economic questions and by granting credits. The allocation of the resettlers which took place chiefly in the incorporated eastern territories was carried out by the Reich Commissioner for the Strengthening of Germanism. The Reich Commissioner fixed the place of settlement and decided which property should be assigned to the resettler as compensation in kind for the property he left behind. The DUT had properly to appraise these properties as well, and to carry out the final indemnification of the resettler by taking into account the value of the allotted property against the value of the property left behind by the resettler.

The seizure of Polish property was a *fait accompli* before all these tasks were carried out. The seizure had already been performed by the Main Trustee Office East [Haupttreuhandstelle Ost] and other offices, and the Reich Commissioner for the Strengthening of Germanism, in conjuncture with the HTO, disposed of such property for the purpose of allocating resettlers. Therefore, the viewpoint held by the prosecution is not correct, if it asserts that the DUT participated in the spoliation of Polish property, since there existed no causal connection between the arranging and financing activity of the DUT on behalf of the resettlers who acquired such seized property, and the procedure of the seizure itself. Not in a single case did the DUT seize property of any kind. Just as little did it have any influence on the political measures adopted within the occupied eastern territories and on the so-called guidance and supervision of people [Menschenfuehrung] that is, the personal treatment and the assignment of the resettlers to new living places. These latter measures belonged exclusively to the competency of the Reich Commissioner for the Strengthening of Germanism. The DUT was informed of such measures only so far as it was necessary in order to understand the connections with regard to the economic assistance.

The defense submitted to me Document NO–5356, Prosecution Exhibit 1372, and Document NO–5357, Prosecution Exhibit 1373.* With regard to these documents, I declare the following:

The matter involved was a conference at the offices of the Reich Commissioner for the Strengthening of Germanism, at which, with the deputies of this office, plans were discussed concerning the future treatment of the persons classed in groups 3 and 4 of the German People's List. Also here, the DUT was chiefly consulted for informational reasons. In this connection it was contemplated, among other things, that the DUT should act as intermediate buyer with regard to a special group of seized properties. This plan however did not materialize later. In not a single case did the DUT perform an intermediate acquisition. As far as I remember, the Reich Commissioner for the Strengthening of Germanism later issued a basic regulation concerning this special field, in which, however, no tasks were assigned to the DUT. Merely in 1943 an amount of some hundred thousands of marks was transferred to the DUT by the Deputy of the Reich Commissioner in Danzig. A list of names accompanied this transfer. The DUT was directed to open accounts for these persons and to credit these accounts with the partial amounts shown in the list. The amounts involved were proceeds from the sales of property belonging to persons classed in group 3 of the German People's List. The DUT opened the accounts; the deputy of the Reich Commissioner in Danzig, however, retained the right to dispose of these accounts, and subsequently, in a number of cases, partial amounts were paid out to the account holders debiting these accounts.

The position of the DUT Supervisory Board [Aufsichtsrat] was such that the chairman, Mr. Keppler, currently—about every week—received reports on the main events; the supervisory board in its entirety received reports only at less frequent intervals. The most important matters, especially the indemnification directives, were submitted for decision to the working committee of the supervisory board under the chairmanship of Mr. Keppler. In the case to which Documents NO–5356 and NO–5357 refer—as far as I know—Mr. Keppler did not receive any report as it was customary not to report on things which had not yet definitely materialized and in the case of which, therefore, the DUT to all intents and purposes had not yet to make any decision.

Mr. Keppler's position as chairman of the DUT Supervisory Board was such that he—in addition to the general administration, such as personnel and organization—chiefly took care of the treatment of the resettler's property. He always attached

* Both exhibits are reproduced earlier in this section.

great importance to the DUT's managing its business in an unselfish and correct manner according to established business principles, and to the submission of all business transactions and documents to the customary audits by certified public accountants. As regards the influence within the supervisory board, this was chiefly exercised by Mr. Keppler during the time of the organization of the DUT structure as well as also later. With regard to the so-called direction of manpower, especially the settlement of the resettlers to new places, the deputy chairman, Greifelt, in his capacity as Chief [Hauptamtchef] of the Staff Main Office of the Reich Commissioner for the Strengthening of Germanism, was the decisive factor—particularly during the years following.

With regard to Mr. Keppler's person, I can only say that we appreciated him as an absolute correct and unselfish man, who—as regarded from our viewpoint as economists—did not advocate any power politics but always recommended objective and just solutions as well as a humane treatment of the resettlers. Also, with regard to the selection of the DUT personnel, Mr. Keppler always decided only in accordance with professional not, however, political viewpoints. He always supported the business management of the DUT in its effort to keep away the influence of the political offices from the technical financing work of the DUT. In the question of transferring seized Polish property into the hands of resettlers—on which the Reich Commissioner and the HTO had to decide—Mr. Keppler, as far as I remember, held the view that it was necessary and expedient, in the interest of retaining the bulk of property assets intact, to transfer them as soon as possible to responsible owners since, in his and our own opinion, there existed the danger that by a too long interim administration the value of the seized property would depreciate, which also would have had a detrimental effect on a later indemnification of the former Polish owners.

Frankfurt on the Main, 31 May 1948

[Signed] DR. KURT KLEINSCHMIDT

4. TESTIMONY OF DEFENDANT KEPPLER

EXTRACTS FROM THE TESTIMONY OF DEFENDANT KEPPLER*

DIRECT EXAMINATION

* * * * * * *

DR. SCHUBERT (counsel for defendant Keppler): The prosecution charges you with robbery and spoliation during the war, in areas occupied by Germany. Particularly it is charged that you

* Further extracts from the testimony of defendant Keppler are reproduced in Volume XII, sections VI B, VI C, and VI D.

were a member of the supervisory board of two companies; namely, the German Resettlement Trustee Company, which in the following examination we shall refer to briefly as the DUT, and second, the Continental Oil Company. The DUT was founded as early as 1939. In prosecution document book 134, on page 39 of the English, page 42 of the German, there is a report of the German News Agency [DNB], dated November 1939. This is Document NG–2179, Prosecution Exhibit 983,* to be found on page 39 of the English text. According to this notice you were made chairman of the supervisory board of the DUT. Be good enough first of all to give us a brief description of how the DUT came to be founded and what you had to do with its founding.

DEFENDANT KEPPLER: The resettlement of ethnic Germans into Reich areas started approximately when World War II broke out, on the basis of international treaties, the first treaty having been concluded with Russia with reference to the Baltic Germans. The Reich Commissioner for the Strengthening of Germanism, Himmler, was entrusted with this resettlement problem. One day Himmler approached me, saying that in connection with this resettlement a very difficult economic problem had arisen which had to be solved, that is, the property questions pertaining to the prospective resettlers. The Reich Finance Minister was proposing to found a kind of finance office to handle this, and in the consulates of Riga and Reval, departments were to be established for handling these property questions. Himmler asked me whether I consider such an organization to be expedient. I told Himmler I was not of the opinion that a bureaucratic apparatus, which after all is subject to so much red tape, was really fit to handle such an intricate problem, which required very skillful handling, and in connection with which it was sometimes necessary to make very quick decisions. Instead of that, I advised them to found a trust company which would act in the capacity of trustee and handle these problems. I had gathered certain experiences in this field, because for quite a number of years I had been chairman of the Aufsichtsrat of our major German trustee company, a government institute. Himmler requested me to discuss the question with the [Reich] Finance Minister, which I did, and the Finance Minister immediately recognized the soundness of my proposition and he came to see that my suggestion was one that would lead to a better solution of the problem. I reported accordingly to Himmler, and thereupon the Finance Ministry and the Reich Commissioner agreed to accept my suggestion, and afterward I was unfortunately chosen as

* Not reproduced herein.

chairman of the supervisory board and that is what I am being indicted for here.

Q. In connection with this I would like to refer to a defense document contained in Keppler defense document book 8, Document Keppler 102, Keppler Defense Exhibit 196,* to be found on page 24 of this defense document book, in which I have introduced an excerpt from the articles of incorporation of the DUT. Mr. Keppler, I think that when you started speaking, you made a mistake, because what you said was that the first of the international treaties to be concluded with Russia concerned the Baltic Germans.

A. Yes.

Q. Wasn't the situation slightly different?

A. I don't think so. This happened on the occasion of Ribbentrop's second visit to Moscow when this treaty was signed. I don't think that there was any previous treaty in effect, but I might be mistaken.

Q. Don't you remember that the first treaties were signed between Germany on the one hand and Estonia and Latvia on the other?

A. Yes. You are right, Counsel. The first treaties were treaties concluded with Latvia and Estonia, and these were replaced by the treaties concluded with Russia.

Q. According to Document NO–2407, Prosecution Exhibit 1369,* to be found in prosecution document book 72–E, on page 2 of the English and 3 of the German, there is a document showing that you submitted propositions to Himmler concerning the composition of the supervisory board. Under what aspects at that time did you select the men suggested by you for appointment?

A. The selection was a very natural one. First of all, what I desired was to have the Reich offices affected by this problem represented too in the supervisory board. I am referring to the Reich Ministry of Economics, the Foreign Office, the Reich Bank and the Reich Finance Ministry. With reference to the representation of the Reich Finance Ministry, I specifically requested Count Schwerin von Krosigk at the time to appoint as a supervisory board member a man who was particularly feared in general. I am speaking of Ministerial Director Berger, who was generally known as extremely critical and extremely suspicious, and therefore most people refused to work with him. I very much liked to work with this man because, if Ministerial Director Berger at any time ever checked and approved a project, then one could sleep well—it was a security measure.

* Reproduced earlier in this section.

Furthermore, there was the Chief of the Legal Division of the official German Auditing and Trustee Company [Deutsche Revisions- und Treuhandgesellschaft], who was taken in by me as a member of the supervisory board, he being an excellent lawyer who specialized in trusteeships in particular.

Furthermore, I took in two representatives of the resettlers as members of the supervisory board.

Q. Referring to this same exhibit, which is 1369, it further shows that at that time you suggested to Himmler to have appointed as deputy for you in the supervisory board, either the chief of VoMi (The Office for the Repatriation of Ethnic Germans) Mr. Lorenz, or the representative of the Reich Commissioner for the Strengthening of Germanism, Mr. Greifelt. Both of these men later were taken in as members of the supervisory board. For what reason?

A. These two men, yes, were taken into the supervisory board because VoMi was in charge of handling the evacuation [Aussiedlung] of these ethnic Germans abroad, and as far as the Reich Commissioner for the Strengthening of Germanism was concerned, it was his duty to resettle these ethnic Germans in the Reich. Therefore, these two agencies had to be represented. The men involved were Greifelt and Lorenz, both of whom were tried here in the trial against the Race and Settlement Main Office.[1] But as far as their DUT activities were concerned, they were not convicted.

Q. Maybe it will be expedient here to clarify one further item. You just mentioned VoMi, the Office for the Repatriation of Ethnic Germans, as being in charge of the evacuation of the ethnic Germans abroad?

A. Yes.

Q. And possibly the idea might arise that this evacuation was an involuntary one. Will you comment on that?

A. This was exclusively a voluntary evacuation, and was actually an evacuation that took place only on the basis of international treaties.

Q. The prosecution has introduced Document NO–3836, Prosecution Exhibit 1370,[2] in prosecution document book 72–E, page 6 of the English, page 6 of the German. This is the first annual report of the DUT for the business year 1939. And Document NO–4265, Prosecution Exhibit 1371,[3] to be found on page 10 of the English, page 12 of the German. This is the table of organization dated 1 January 1943. In both of these documents state-

[1] The RuSHA case, Volumes IV and V, this series.
[2] Reproduced in part earlier in this section.
[3] Ibid.

ments are made concerning the duties entrusted to the DUT. Will you describe them, seen from your point of view as chairman of the supervisory board?

A. As can be seen from the table of organization, this organization expanded gradually to a considerable scale, despite the fact that it was exclusively with property questions of prospective resettlers that DUT was involved. It started with the Baltic Germans, and then one German group abroad after another came in; and then the DUT also had to solve the problem of the South Tyrol, which was one of long standing, and this involved the property of approximately three-quarters of a million ethnic Germans who desired to be resettled in Germany. The property amounted to a good billion reichsmarks that had to be taken over abroad. It was necessary for inventories of the property to be taken there. All this property had to be sold abroad. Then there was the transfer question. And, last of all, the negotiations with the foreign countries. Once the property was safely transferred to Germany, there was the problem of distributing the property to the resettlers in Germany. This not only involved business in real estate immovable property, but securities were involved—mortgages, participation holdings, industrial plants, annuities, pensions, all kinds of things which had to be settled.

In order to give you some idea, I would like to mention that as far as the DUT is concerned, we had 250,000 individual accounts concerning such property questions. The daily incoming mail amounted, on an average, to 6,000 communications. The number of employees rose to a figure of 1,800, and actually the volume of business corresponded to that of a major bank. Of course you have to bear in mind that all this took place during wartime, and, therefore, incurred considerable difficulties on all sides. When the first year had passed a trustee and auditing company was called in, and I asked them to be very accurate in their audits. I was very much gratified when the auditor told me that he had no complaint whatsoever to make, and that the exactitude with which this entire matter had been handled was almost incredible. The undertaking was absolutely successful. But I must say that I had quite a few headaches in connection with the whole affair.

Q. I would like to refer to two defense documents in defense document book 8, affidavits of two business managers of DUT, Kleinschmidt and Kulemann. I refer to Document Keppler 172, Keppler Defense Exhibit 197,[1] and Document Keppler 170, Keppler Defense Exhibit 198,[2] to be found on page 26 and 32 of

[1] Reproduced earlier in this section.
[2] Not reproduced herein.

the defense document book. In the affidavit of a Polish national —whose name I won't even attempt to pronounce, I would rather spell it: J-e-d-r-z-e-j-o-w-s-k-i.[1] I am referring to Document NID-13396, Prosecution Exhibit 3241,[2] in prosecution book 155, page 105 of the English and 131 of the German. The contention is made there that DUT was an SS enterprise, which was in charge of the Germanization and denationalization of the population in the East. Furthermore, the contention is made that DUT was responsible for the forcible dispersal of Poles and Jews from their native areas in favor of ethnic Germans. This contention, it is true, is made there without being corroborated by facts of evidence, but I have to ask if the charge made by this affiant is justified in any respect.

A. Needless to say, these statements are absolutely wrong and unjustified. DUT had nothing whatever to do with the tasks mentioned.

JUDGE POWERS: I would like to ask a question. In answer to a previous question, Witness, I understood you to say that the purpose of this institution was to settle people in Germany—the DUT.

DEFENDANT KEPPLER: The name DUT means Deutsche Umsiedlungs- Treuhandgesellschaft, which is the German Resettlement Trustee Company.

Q. Was the object or the purpose of it to settle people in Germany?

A. No. The German Resettlement Trustee Company neither evacuated people abroad nor resettled people in the Reich. What they did was, on the occasion of such evacuation and resettlement, to handle the property questions of the resettlers. But they had nothing to do with the actual resettlement.

Q. Well, what resettlement was contemplated? What was the resettlement that was in mind when the thing was organized? Was it the settlement of Germans in territory acquired from Poland?

A. The first resettlement that took place was the resettlement of so-called Baltic Germans, who were ethnic Germans located in Estonia and Latvia. Later on there followed the resettlement of ethnic Germans located in Lithuania, and then this was followed by the resettlement of ethnic Germans in Bessarabia, Bucovina, White Russia, Dobruja, and the Southern Tyrol, and other countries.

Q. But resettlement where?

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[1] Jedrzejowski also testified as a prosecution witness. His complete testimony is recorded in the mimeographed transcript, 16 August 1948, pages 16281–16296.

[2] Not reproduced herein.

A. This was a resettlement of ethnic Germans from abroad back to the Reich.

Q. Well, when you say the Reich, do you include that portion of Poland that was taken over?

A. The resettlement of these resettlers who came back to Germany took place in part in the so-called Warthegau, which was an area taken over from Poland.

JUDGE MAGUIRE: But it involved, did it, the resettlement upon lands that had been confiscated from the citizens of that part of the country, the Poles and the Jews, didn't it?

DEFENDANT KEPPLER: That depends. As such, I had nothing to do with the actual settlement in the new area, because this resettlement was not done by DUT but was taken care of exclusively by the Reich Commissioner for the Strengthening of Germanism. There isn't a single person that I resettled anywhere; all I did was to take care of the property located abroad; that is, when the DUT took over and sold this property abroad, transferred it to the Reich, and reapportioned it. But resettlement in new areas was never the duty of the DUT, but rather of the Reich Commissioner for the Strengthening of Germanism.

Q. Yes, but in your business organization plan, under No. III/12 you have a division set up there for the purpose of taking care of legal questions in "A–cases": the acquisition of Polish and Jewish real estate in consequence of an "A–case." And further on in these exhibits—that is Document NO–3836, Prosecution Exhibit 1370,[1] and Document NO–4265, Prosecution Exhibit 1371[2]—there is a discussion of confiscated factories. It would seem that in the face of things the DUT had something to do with it on those subjects.

PRESIDING JUDGE CHRISTIANSON: Are you familiar with these documents just referred to, Defendant?

DR. SCHUBERT: Which document did Judge Maguire just quote from? Was it Prosecution Exhibit 1370 or 1371?

JUDGE MAGUIRE: It starts on page 10 and goes through quite a number of pages, I think to page 32. There are three exhibits there, but I haven't tried to sort them out. I was looking at page 19 of the English, which is Document NO–4265, Prosecution Exhibit 1371, and evidently Document NO–5357, Prosecution Exhibit 1373,[3] starting on page 27 of the English. It is Document NO–5357, particularly there on page 28 of the English.

[1] Annual Report of the DUT for the business year 1939, reproduced in part earlier in this section.

[2] Table of Organization or Distribution of Work Plan for the DUT as of 1 January 1943, reproduced in part earlier in this section.

[3] Memorandum of Kleinschmidt, one of the business managers of the DUT, 19 May 1941, concerning the transfer of persons from Poland to Germany and the handling of their property. This exhibit is reproduced earlier in this section.

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DR. SCHUBERT: Your Honors, I was proposing to discuss all of these documents in due course. I was really interrupted in my examination. You anticipate what I would have asked anyway. I shall pass on to these documents.

JUDGE MAGUIRE: The only reason I asked a question was because of the answer made to Judge Powers.

PRESIDING JUDGE CHRISTIANSON: Well, can you clarify this program, the resettlement program? Who was moved and to what territory, and that sort of thing? All right, go ahead.

DR. SCHUBERT: Your Honors, if there should be any questions which you desire to ask the witness, he will be glad to answer them when I am through.

JUDGE POWERS: In other words, don't ask them now!

DR. SCHUBERT: Mr. Keppler, it is a well known fact that a large part of the resettlers who were first of all transferred to Germany were then resettled in the occupied Polish territories, and you have already testified previously that their resettlement in the occupied Polish territories was not the duty of DUT but was the duty of the Reich Commissioner for the Strengthening of Germanism. Be very specific in what you say. What did the DUT have to do in connection with the resettlement of a resettler in the occupied Polish areas?

DEFENDANT KEPPLER: It was the intention of the Reich Commissioner for the Strengthening of Germanism to have the ethnic Germans as far as possible resettled in the Reich in a manner which would enable them to work as they had formerly worked abroad. Their transfer to suitable holdings in the Reich was done exclusively by the Reich Commissioner for the Strengthening of Germanism. The DUT was confined in its work to investigating whether the assets which the resettler had left abroad corresponded approximately to the value of the new property he had received. And if any balances arose, either plus or minus, on one side or the other, the DUT was responsible for adjusting these.

Let me emphasize again, DUT never undertook any actual resettlement. It is true that it compensated resettlers for securities that had been left behind, but DUT, for example, never undertook any allocation to holdings in the newly occupied Polish territory.

Furthermore, DUT was responsible for making funds available for the resettlers until they could earn again; trading capital was made available, and so on.

Q. Was the activity of DUT perhaps confined to specific types of property? Were they perhaps involved in the handling of industrial property only or agricultural property only?

A. They had nothing whatsoever to do with agricultural property, at least not in the eastern territories. We did handle agricultural property in connection with the Southern Tyrol question. We had to buy up quite a large number of farms in former Austria, but in the eastern territory we had nothing at all to do with agricultural property.

Q. Mr. Keppler, you know that the prosecution, as well as the affiant Jedrzejowski, has described DUT as being plunderers. In view of that, I have to ask you most specifically: Did DUT have any powers, or did DUT undertake measures, irrespective of any powers, connected with seizures, confiscation of property, etc., in the occupied Polish territories?

A. As far as the question of seizure and confiscation of property is concerned in former Polish territory, DUT had nothing to do with it at any time. Nor did DUT hold any legal title at any time authorizing it to undertake such measures. It was not an official agency, though it did carry out government work. It was not an SS agency. It was a trust company based on the principles of a private business. It had the character of a bank, because banking trade was involved. And as far as confiscation or seizure of property was concerned, it had no right to have anything to do with it, and it never carried out such measures. However, I have to refer to your previous question with reference to this Pole with a name that cannot be pronounced.

Q. Well, that is the same thing.

A. Is it clear?

Q. Maybe you would be good enough to comment on that item once more because this Polish national, in addition to property questions, extended his charge to holding you responsible for Germanization and denationalization. Was that comprised in the sphere of duties of DUT?

A. These are problems with which the DUT had nothing to do at any time. Germanization and denationalization did not in any way belong to its sphere of work.

Q. Mr. Keppler—you already mentioned this yesterday—there was a certain order set up for German economy dividing it into various business groups. Into which of these groups did DUT belong—or did it belong to this organization at all?

A. DUT was automatically rated as a private enterprise and belonged to the banking business group.

Q. You mentioned DUT as being a trust company. Did DUT in any way administer seized Polish property as trustee? In connection with this I particularly refer to a document Judge Maguire mentioned, Document NO–5357, Prosecution Exhibit

1373,[1] a file memorandum of Kleinschmidt's, which might perhaps give rise to the conclusion that some such intention existed.

A. A trustee administration of such property never took place; that was the duty of the Main Trustee Office East, the HTO. DUT had nothing to do with it at any time. With regard to this Exhibit 1373, I now approximately recall what it is about. This was preliminary work for the settlement of a matter which actually never materialized, and provisions had been made that possibly DUT might be entrusted with certain duties. But it never materialized, and in view of the fact that these were only preliminary consultations, this problem definitely was never submitted to me in my capacity as chairman of the supervisory board, particularly as the property involved was insignificant in value.

Q. I further refer to this Exhibit 1373, and beg to point out particularly Kleinschmidt's affidavit, which is Document Keppler 172, Keppler Defense Exhibit 197,[1] contained in my defense document book 8, to be found on page 26 of this book. The deponent Kleinschmidt comments on this matter in detail. He himself is the author of this file memorandum which has been introduced by the prosecution as Exhibit 1373.

A. I would be very grateful if perhaps during the recess I might be given an opportunity to look at this exhibit and perhaps comment on it later, if necessary.

PRESIDING JUDGE CHRISTIANSON: You have an exhibit for him?

DR. SCHUBERT: Yes. I will show it to the witness.

Mr. Keppler, in the index of document book 72–E, on page 1, as well as originally in examining the witness Metzger[2] before the Court, which is page 3000 of the transcript, the prosecution characterized you as chairman of the board of DUT. From what I know, this designation implies the managing business director of an enterprise. In your capacity as member of the Aufsichtsrat, did you have anything to do with the business management of DUT?

A. No. That is wrong. Under American law you don't find such an institution as the German "Aufsichtsrat." The American board of directors is something entirely different from the German Aufsichtsrat. The board of directors represents the entire business management, too. This is included in the functions of the board of directors. Under German law, neither the Aufsichtsrat, nor the chairman of the Aufsichtsrat, had any say in business management. Unfortunately, in the basic information submitted to the Tribunal, wrong statements have been inserted in connection with this problem, the basic statement says "Organs

[1] Reproduced earlier in this section.

[2] The testimony of prosecution witness Metzger is reproduced earlier in this section.

of business management are Vorstand, Aufsichtsrat, and the shareholders" but that is wrong.

I would like to refer to paragraph 95 of the German Corporation Law, dated 30 January 1937, where it specifically says, "Business management may not be conferred on the Aufsichtsrat." Therefore, the Aufsichtsrat is excluded from all business management activity, but the Aufichtsrat has certain supervisory duties.

* * * * * * *

Q. Mr. Keppler, one more question about your position on the Aufsichtsrat. Up to the present time you have said only that you did not participate in the business management. What did you actually do on the Aufsichtsrat of the DUT?

A. I had my normal work and then all sorts of people placed important Aufsichtsrat posts on me; so apart from my main work, I had to take on at least 15 Aufsichtsrat posts, all in plants in which the Reich had a financial interest. So, in addition to my work, I had to look after these 15 firms. Thus, it is quite obvious that I could spend comparatively very little time on that. Nevertheless, precisely in the case of the DUT, as far as possible I devoted a lot of time to the work, because it was such a very difficult task. First of all, I had to reconstitute the company, and I had to select the managing board [Vorstand] members and the main staff for the various divisions. Then, I helped organize the company; I was informed about all major steps, but of course I wasn't informed about the details. I have already mentioned that, in the case of the foreign property we took over, it amounted to some 5 or 6 billion marks. Such small items were of no importance. I simply hadn't time to be informed about all these matters. What mattered most to me was to build up the company in a solid manner—to see to it that the work was properly done and that the resettlers were justly treated. There were some who were not treated too well, but I tried to see to it that they got their rights.

Then, I attached very great importance to seeing that no corruption should occur. Of course, in this subsidiary work, in addition to my other 15 Aufsichtsrat posts or so, it was quite impossible for me to go into all details in a company where some six thousand letters or so came in every day, apart from printed matter, and the actual business management was a matter for the Vorstand.

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Q. Mr. Keppler, in Document NO–4265, Prosecution Exhibit 1371, the business distribution plan of the DUT—that is pages 19 and 20 of the English—there is mention of "A" cases and "O" cases. Do you know what that means?

A. "A" cases are such where settlement was to take place in the old Reich proper. That is important.

Q. And "O" cases?

A. In "O" cases, settlement was to take place in the East.

Q. In the document I have mentioned, on page 19 of the English, there appears the following statement—and I will quote it in English so that it need not be translated: "Legal questions in 'A' cases: Acquisition of Polish and Jewish real estate in consequence of an 'A' case." So, here "A" cases are mentioned, and the acquisition of Polish and Jewish real estate by such "A" cases, that is, by resettlers described as "A" cases. Would you please comment on that?

A. Where "A" cases are concerned, it can only be a matter of acquisition of property in Germany proper, because "A" cases were cases where settlers were to be settled in Germany proper, and there was no question of acquisition of property in the newly Incorporated Eastern Territories.

Q. When there is mention here of Polish and Jewish property in this connection, then, if I understood you correctly, it can only concern Jewish or Polish property in Germany proper?

A. Yes.

Q. In Document NO–5357, Prosecution Exhibit 1373,[1] we find the German People's List and there is special mention of groups 3 and 4 of the German People's List. Did you hear anything of that at the time, and if so, what was the connection of the DUT with that?

A. I am sure I did not hear of this at the time. This is quite obviously a subordinate matter. However, this document caught my attention when the prosecution documents were submitted to me. Dr. Kleinschmidt, one of the business managers of DUT, commented on this in his affidavit. Document NO–4265, Prosecution Exhibit 1371,[2] shows clearly that this was only a plan. Dr. Kleinschmidt testified that the DUT was, in the main, only consulted for information. There was some idea that the DUT should handle it sometime, he further states, but that later this plan was not put into effect. In the definite basic order of the Reich Commissioner [for Germanism] concerning this subject, the participation of the DUT is not provided for. Therefore, this was a project which was not carried out, and with which the DUT was not concerned.

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Q. I will come back once again to the business distribution plan which is Document NO–4265, Prosecution Exhibit 1371, in book

[1] Reproduced earlier in this section.

[2] Ibid.

72–E. This shows that divisions had been established which were concerned with evacuation from, for instance, Lower Styria, Upper Corinthia, Alsace-Lorraine, and Luxembourg. This is at page 23 of the English. Now, was the DUT ever concerned with the evacuation of the population from these southern and western frontier areas, or was the work of the DUT here, again, only concerned with property compensation?

A. It was definitely only a matter of property compensation, because the DUT itself was never concerned with evacuation.

Q. The witness Metzger,[1] a former employee of the DUT, appeared before this Tribunal, and he testified about the work of the DUT in the West. Document R–114, Prosecution Exhibit 1298,[2] in book 72–A, on page 92, also shows that the DUT handled property questions of evacuated Alsatians and Luxembourgers. As chairman of the Aufsichtsrat, were you concerned with that?

A. I cannot remember for certain, but I imagine not, in view of the unimportance of the subject. The witness Metzger testified here, but his very testimony gave me the impression that the functions of the DUT in this connection were carried out in a very proper manner.

Q. The witness Metzger's testimony appears on page 2997 of the English transcript. In a prosecution document in book 72–E there is also mention of a syndicate credit [Konsortialkredit] which the DUT took up. What is that about?

A. The incoming funds of the DUT, as a result of the sale of the property of resettlers abroad, naturally, were not sufficient to carry out the compensation in the Reich. Furthermore, it was rather a costly business to run. Therefore, the Reich Minister of Finance suggested that in order to relieve the cash demands on the Reich, we should take up a syndicate loan from German banks, and he would give a guarantee to cover it. So we negotiated with the banks; a syndicate was formed where all major banks, a large number of medium banks, and the savings banks too were involved, and they made this Reich guaranteed loan available. When the DUT later had to deal with the question of the Southern Tyrol, the South Tyrol resettlers, for the most part, were involved in the former Austrian Balkan areas. Thereupon, the former Austrian banks approached the DUT asking to be allowed to participate in the deal. Thereupon negotiations also took place with the former Austrian banks, and they, for their part, also made a syndicate credit available for use in the former Austrian territories. That is a method of financing which was very usual at the time.

[1] Metzger's testimony is reproduced earlier in this section.
[2] Reproduced in part earlier in this section.

DR. SCHUBERT: The syndicate loan is mentioned in Document NO-3836, Prosecution Exhibit 1370,* in book 72-E, page 7 of the English. That is a business report of the DUT for 1939, and it mentions a syndicate loan of 100 million Reichsmarks.

That completes the questions I wished to ask about the DUT.

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* Reproduced in part earlier in this section.

X. PLUNDER AND SPOLIATION—COUNT SIX

A. Introduction

Paragraphs 52–60 state the charges of count six—plunder and spoliation—of the indictment (Vol. XII, sec. I). Sixteen defendants were charged with participation under this count. During the course of the trial the prosecution withdrew these charges as to defendants Bohle and Woermann, and upon motion the Tribunal dismissed these charges as to the defendants Meissner, Ritter, and Steengracht von Moyland. In its judgment the Tribunal found nine defendants guilty under this count: Darré, Kehrl, Keppler, Koerner, Lammers, Pleiger, Rasche, Schwerin von Krosigk, and Stuckart. Two defendants, Berger and von Weizsaecker, were found not guilty.

The evidence submitted in connection with these charges encompassed activities throughout German occupied Europe. For reasons of limitations of space only a small fraction of this evidence has been reproduced here. Most of the selected material has been grouped into four sections concerned mainly with four German occupied areas: Czechoslovakia (sec. B); Poland (sec. C); Western Europe (sec. D); and Soviet Russia (sec. E). In these four sections contemporaneous documents are followed by related testimony of defendants or by defense affiants. No testimony by prosecution witnesses or affiants on the spoliation charges has been included. For the most part the contemporaneous documents, whether submitted by the prosecution or the defense, appear chronologically within each section. One German report on "financial contributions" by German occupied Europe dealt with so many countries that it has been reproduced separately (sec. F). Since parts of the testimony of defendant Schwerin von Krosigk on the spoliation charges could not readily be separated according to countries or areas, extracts from his testimony on various aspects of the charges of spoliation appear together as the conclusion of the section (sec. G).

Argumentation concerning spoliation is reproduced in the sections devoted to opening and closing statements (sec. V, Vol. XII, and sec. XIII, Vol. XIV).

B. Czechoslovakia

I. CONTEMPORANEOUS DOCUMENTS

TRANSLATION OF DOCUMENT RASCHE 212
RASCHE DEFENSE EXHIBIT 212

MEMORANDUM OF A DRESDNER BANK OFFICIAL ON A CONVERSATION WITH CLODIUS OF THE GERMAN FOREIGN OFFICE, 5 OCTOBER 1938, CONCERNING THE ZIVNOSTENSKA BANK'S OFFER OF ITS FOUR SUDETENLAND BRANCHES, THE DESIRABILITY "IN VIEW OF GERMANY'S FOREIGN ECONOMIC POLICY" OF OBTAINING "A BANK UNDER GERMAN INFLUENCE IN PRAGUE," AND RELATED MATTERS

Subject: Zivnostenska Bank. 5 October 1938

Telephone conversation with Ministerial Dirigent Clodius (Foreign Office)

I informed Mr. Clodius over the telephone that the vice president of the Zivnostenska Bank, Mr. Preiss, visited us today. With reference to the transfer of the Vienna Branch of the Zivnostenska which was executed on a friendly basis a few months ago, Mr. Preiss asked us whether we would be willing to take over the four Sudeten-German Branch Offices of the Zivnostenska in the same manner. There would be no great difficulties since in all these branch offices the accounts receivable exceed the accounts payable. That meant in the end it would amount to taking over the estates. The industrial holdings of the Zivnostenska were concentrated in Prague, as was well known.

The Zivnostenska made provisions for the current week for the payment of wages, etc. by depositing the necessary sums. In order to provide for a smooth transaction they would appreciate it if we could send officials to the various branch offices and if we could place at their disposal reichsmark amounts in case there should be any further demands for money.

I also told Mr. Clodius that in view of the existing confusion concerning the future organization of banking in the Sudeten district we had been somewhat reserved in our conversation with P. [Preiss] in spite of our fundamental interest. In view of the situation, however, we would have to inform the Zivnostenska fairly soon whether, on principle, we are willing to negotiate.

During our discussion with P. we also inquired—incidentally as it were—what the Zivnostenska intended to do about the block of Boehmische Escompte Bank shares deposited there. P. replied that the Zivnostenska had already been approached by the Kredit-

anstalt del Deutschen [Bank for Germans] (Kiesewetter) on the same subject but that the Zivnostenska had been unable to give a decision in the present stage of developments.

Mr. Clodius told me especially during our second conversation in the evening that as far as the Foreign Office was concerned the situation was clarified to the extent that there was no objection, from the point of view of foreign policy, to the continuation of negotiations with the Zivnostenska; on the contrary, the Foreign Office would welcome it if we came to an agreement. But of course we would have to obtain the permission of the Reich Ministry of Economics, which is responsible for such matters, with regard to the financial side of the transaction and the foregoing currency involved.

Mr. Clodius then expressed the opinion that in view of Germany's foreign economic policy it would seem desirable to have a bank under German influence in Prague. This was the case in most southern European states—since recently including Yugoslavia. Efforts were being made to achieve the same solution for Budapest too, and in this connection he wanted another discussion of the possibility of expanding the Budapest branch offices of the Mercurbank-Laenderbank. Mr. Clodius seemed to set a great deal of store by this scheme. I told Mr. Clodius that during the last few months we had been very busy on our Austrian project, of which he knows and that, therefore, we had been too busy so far to give serious consideration to our further treatment of the Budapest Mercurbank.

For the rest I expressed our gratitude for his clear definition in the affair of the Zivnostenska Branch Offices.

Signed: BUSCH

TRANSLATION OF DOCUMENT NID-13402
PROSECUTION EXHIBIT 3073

MEMORANDUM OF VON LUEDINGHAUSEN OF THE DRESDNER BANK, 6 OCTOBER 1938, ON A SERIES OF "DISCUSSIONS IN BERLIN" WITH VARIOUS PERSONS, INCLUDING DEFENDANTS RASCHE AND KEHRL, CONCERNING OPERATIONS OF GERMAN BANKS IN THE SUDETENLAND, AND RELATED MATTERS

Dresden, 6 October 1938

Discussions in Berlin

On 3 October

1000 hours.—Telephone call from Jakobs, Brussels, to Mr. Busch [member of the managing board of the Dresdner Bank] inquiring after the block of Bebca shares[1] of the Banque de Bruxelles. Mr. Busch answers, that, in principle, we have great interest in this matter. Negotiations as to the exchange will be possible only when a clarification of the most varying questions has been effected.

1200 and 1400 hours.—With Senior Government Counsellor Riehle (Reich Ministry of Economics), who had been appointed Referent for banking matters in the Sudeten-German territory under Ministerial Director Lange. Mr. Rinn [director of Dresdner Bank, Frankfurt] and I had lunch with Mr. Riehle and explained to him our views.

1800 hours.—With Dr. Rasche [defendant Rasche, member of the managing board of the Dresdner Bank] to President Kehrl.[2]

1900 hours.—Conversation with Dr. Wesemeier [defendant Veesenmayer].[3] He told of a discussion which had taken place in the afternoon in Karinhall with Minister President Goering. It has allegedly been decided during this discussion that special plenipotentiaries are not to be appointed for the economic negotiations in the Sudeten-German territory, but that the latter are to be handled at once by the competent Reich authorities, after having been channeled through the office Henlein.

On 4 October

1000 hours.—Visit of Senior Director Preiss [of the Czech Zivnostenska Bank] to Mr. Goetz [chairman of the supervisory

[1] The full German title of the Bebca, a Czech bank, was the Boehmische Escompte Bank und Kredit Anstalt.

[2] Defendant Kehrl, at this time a Generalreferent in the Reich Ministry of Economics and president of the Chamber of Industry and Commerce of Niederlausitz.

[3] As previously noted herein, defendant Veesenmayer's name was frequently misspelled in German documents. Veesenmayer's activities in Czechoslovakia at this time were the subject of charges of crimes against the peace. See section VI D, Volume XII.

board of the Dresdner Bank] who proposed again to send a representative of the Dresdner Bank to each of the 4 Zivno [Zivnostenska Bank] branches in the territory occupied by the German troops. The advance payments in reichsmarks, necessary for the maintenance of the branches, are to be given by us and are to be guaranteed by the Zivno in Prague. Mr. Goetz promised an answer as soon as the opinion of the competent circles is available.

1200 hours.—Visit of Mr. Riedel [of Bebca] to Goetz and Busch. This morning we had spoken with Wolfgang Richter [economic adviser to Gauleiter Henlein], who had informed him of his plans concerning the establishment of the banks. According to this plan, 2 regional banks are to be established besides the KdD [Kreditanstalt der Deutschen]:

1. Bebca, Zivno, and Laenderbank consolidated with the participation of the KdD and a leading German bank (Dresdner or Deutsche).

2. Boehmische Union-Bank, Anglo-Bank, Boehmische Industrialbank, in which the other interested German banks would participate. Possibly, the Deutsche Agrar- und Industrie Bank should be added to this regional bank. However, the latter ought to remain independent.

Moreover, an agreement must be reached among the banks as to which branches are to be closed. The 126 bank branches existing up to now in the region are to be reduced to 50 or 60. The released bank officials are to be taken over immediately by the administration and the newly-to-be organized finance offices since, as it known, there are practically no German officials.

1530 hours.—Visit by Herr Kiesewetter (KdD). The latter reports that the offices of the KdD receive the rights of the Reich Bank offices as long as none of these are opened in the Sudeten-German area. Payments made to troop units of the Wehrmacht and to officials are made without exception through the KdD.

For the time being loans from the Deutschlandkasse, to the amount of 30,000,000–50,000,000 RM, are available for the envisaged State-guaranteed credits of 50,000,000 RM and probably also for the KdD. These amounts, as well as the State-guaranteed credits, should be mainly used for the reactivation of the plants.

In the course of conversation Kiesewetter expressed his opposition to the plans of Wolfgang Richter. He maintained the view that it was not necessary to form regional banks. The KdD would be able to fulfill this task, inasmuch as it was entitled according to German credit laws to grant up to 800,000 RM to an individual applicant for credit, and could therewith

satisfy all the credit requests of industrial firms, since in this region it was mostly a matter of medium-sized plants only. It would be more proper if the German main banks would take over the Sudeten-German business of the erstwhile Czechoslovak banks and would open their own branches. It goes without saying, that in this connection a large scale clearance would have to take place and numerous offices would have to be closed. Kiesewetter will be in the Sudeten-German area during the last days of the current week, in order to set into motion the organization of the currency circulation.

1700 hours.—Visit to President Kehrl. In the course of the conversation it appeared that Kehrl is a great supporter of the idea of establishing regional banks in the Sudeten-German area.

1830 hours.—Visit to Staff Henlein where I talked with Dr. Stadte of the Reich Association of German Industry [Reichsverband der Deutschen Industrie],* as well as with Dr. Seidel and Dr. Becker. According to the opinion of these gentlemen all the questions are still in a fluid stage and no final decisions on the banks have been taken.

2030 hours.—Conference in the Hotel Bristol with Novotny and Noelzer of the Bebca, whom Dr. Kranz had taken to Berlin. On our part there also participated Busch and the undersigned, as well as Riedel as member of the Supervisory Board [Verwaltungsrat] of the Bebca.

The gentlemen reported that they had offers from the Adca and from the Deutsche Bank; but they were perfectly willing to treat first with us on the basis of the previous negotiations. With regard to the Sudeten-German branches they state the following:

Deposits approximately 490,000,000 korun

Debitors approximately 500,000,000 korun

so that the branches owe a total of 10,000,000 korun to their bank in Prague. The Bebca is represented in 26 places in the Sudeten-German area. In these branches it employes 280 employes. The Bebca, in Sudeten-Germany, possesses further assets of approximately 50 to 100,000,000 korun in industrial shares as well as 30 houses in which mostly the branches of the bank are located. Last year these branches had a profit of 19,000,000 korun, in the first half of this year 11,000,000 korun. The central office on the other hand had a deficit of several million korun. The gentlemen developed their ideas regarding the future of the Bebca. According to their opinion it would be right if the German circles would secure their influence on the entire institute, and

* In accordance with the law concerning the new organic structure of the German industry of 27 November 1934, the Reich Association Industry was reorganized into "The Reich Group Industry" (Reichsgruppe Industrie). However, as a matter of habit, it was occasionally still referred to as the "Reich Association Industry."

then would sever the Sudeten-German branches and have the Prague branch office continue under German influence in order to gain in this way a considerable influence on Czech economy.

On 5 October

1400 hours.—Conversation with gentlemen of the Bebca, with the participation of Dr. Rasche, Dr. Kranz, and myself.

In the course of the discussion it appeared that these gentlemen, too, favored the idea of a regional bank. Dr. Rasche pointed out that the Dresdner Bank was prepared both to acquire a decisive influence in a regional bank taking over Bebca branches, and to incorporate the Bebca branches themselves, operating them as a Sudeten-German branch area.

It appeared that the gentlemen had negotiated with Dr. Sachau of the Adca in the morning and had also conferred with gentlemen of the Deutsche Bank. Mr. Novotny [of Bebca] pointed out that as honest brokers they were under obligation to examine all offers.

1600–1700 hours.—Conference of Dr. Rasche with President Kehrl during which I was consulted. As Generalreferent in the Ministry of Economics, President Kehrl will probably have a decisive voice in any questions concerning the Sudeten-German economy which might present themselves. Dr. Rasche told him that if the competent authorities thought it more advisable to set up regional banks, the Dresdner Bank was ready to participate and retain control in a regional bank in which the branches of the Bebca would be consolidated. He handed President Kehrl a letter addressed to the Ministry of Economics for the attention of Mr. Riehle, setting forth our plans. President Kehrl agreed with this letter.

I handed Kehrl our booklet "The Economy of the Sudetenland" which interested him very much.

1700 hours.—An invitation of the Bank Commissioner in conjunction with Ministerial Director Lange (Reich Ministry of Economics) to attend a meeting on Thursday, 6 October, was received by Mr. Goetz. State Councillor Reinhardt, Director Mosler and Mr. von Schoen are also said to have been invited. Banking matters in the Sudetenland are to be discussed at this meeting.

[Stamp]
VON LUEDINGHAUSEN*

* Baron von Luedinghausen, a Prokurist of the Dresdner Bank.

TRANSLATION OF DOCUMENT NG-3684
PROSECUTION EXHIBIT 634

DECREE OF 21 MARCH 1939, SIGNED BY GOERING, FUNK, FRICK, AND DEFENDANT SCHWERIN VON KROSIGK, CONCERNING THE EXCHANGE RATE OF THE REICHSMARK AND THE KORUNA

1939 REICHSGESETZBLATT, PART I, PAGE 555

Decree concerning Currency Relations in the Protectorate of Bohemia and Moravia, 21 March 1939

In accordance with paragraph 10, section 2, of the decree by the Fuehrer and Reich Chancellor concerning the Protectorate of Bohemia and Moravia of 16 March 1939* (Reich Law Gazette I, p. 485), the following is ruled:

Paragraph 1

The rate of exchange between the reichsmark and the koruna is determined as follows:

One koruna equals ten reichspfennigs.

Paragraph 2

The Reich Minister of Economics and the Reich Finance Minister issue in mutual agreement the supplementary and implementation orders this ordinance necessitates.

Paragraph 3

This ordinance becomes effective as of 22 March 1939.

The Plenipotentiary for the Four Year Plan
HERMANN GOERING

The Reich Minister of Economics
WALTHER FUNK

The Reich Minister of the Interior
FRICK

The Reich Finance Minister
COUNT SCHWERIN VON KROSIGK

Berlin, 23 March 1939

* Document TC-51, Prosecution Exhibit 126, reproduced in section VI D, Volume XII.

TRANSLATION OF DOCUMENT NID–13407
PROSECUTION EXHIBIT 3140

LETTER FROM DEFENDANT KEHRL TO DEFENDANT RASCHE, 23 MARCH 1939, GIVING RASCHE POWER OF ATTORNEY, TOGETHER WITH PREISS OF THE ZIVNOSTENSKA BANK, TO NEGOTIATE WITH THE ROTHSCHILD FAMILY AND/OR AN INSURANCE COMPANY TO ACQUIRE THE VITKOVICE STEEL WORKS

Berlin W 8, 23 March 1939
Behrenstrasse 43
Telephone: Collective No.
16 43 51

The Reich Ministry of Economics
Generalreferent Kehrl
It is requested that this reference be mentioned in all further correspondence

Power of Attorney

In reference to the decree of the Reich Minister of Economics, dated 28 February 1939, authorizing me, in agreement with the Plenipotentiary for the Four Year Plan, Minister President Field Marshal Goering, concerning the Vitkovice Steel Works, I hereby authorize you, together with Dr. Jaroslav Preiss, President of the Zivnostenska Bank, Prague, to conduct negotiations with the Rothschild family and/or with the Alliance Assurance, with the understanding that in case of an agreement only you would receive the necessary foreign exchange permits.

[Signed] HANS KEHRL

To Dr. Karl Rasche,
Member of the Vorstand of the Dresdner Bank,
Berlin, W. 8
Behrenstrasse

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EXTRACTS FROM AN ARTICLE BY DEFENDANT KEHRL IN "THE FOUR YEAR PLAN" MAGAZINE, 20 APRIL 1939, CONCERNING THE ECONOMY OF BOHEMIA AND MORAVIA UNDER THE GERMAN PROTECTORATE, THE INTEGRATION OF CZECH ECONOMY INTO THE FOUR YEAR PLAN, THE ROLE OF GERMAN BANKS IN THE ARYANIZATION PROGRAM, AND RELATED MATTERS

"For ten centuries the Bohemian-Moravian lands belonged to the living space of the German people. Force and lack of understanding arbitrarily tore them from their old historical surroundings and finally created a source of permanent unrest by incorporating them within the artificial edifice of Czechoslovakia."

These words, from the decree of the Fuehrer concerning the Protectorate Bohemia and Moravia of 16 March 1939,* sum up a 20 year episode of the history of those countries.

It is not mere chance that this episode ended as inauspiciously and bloodlessly as it had begun. The State, created in 1919 as artificially as it was unnaturally, perished of its own illogicality. Its decay was not something that had been brought about by force but a natural event marking the overdue and an inorganic state of affairs in the central European space.

The end of this episode, however, is at the same time the beginning of a new epoch in which, according to the brilliant conception of the Fuehrer and with due regard for the separate ethnical individualities, the unnatural tearing apart of an economic territory which had belonged together for the last thousand years is brought to an end—an economic area whose industrialization and high development were due, essentially, to German intelligence and German enterprise. After decades of unrest, hatred, and error, the connection of these countries with the Reich as ordained by fate will be restored with due respect and consideration for the ethnical conditions—the connection with the Reich to which they belonged as one of the oldest Reich lands since its first days of greatness and power.

Anyone who did his share in the reincorporation of the Ostmark [Austria] and the Sudetenland was necessarily impressed by the close economic relationship of these repatriated districts with Bohemia and Moravia—which was, apart from the ethnographical and cultural community, the strongest factor of the central European unity.

* * * * * * *

* Document TC-51, Prosecution Exhibit 126, reproduced in section VI D, Volume XII.

It will be an urgent task of greater German economic leadership—above all, however, of the economic incorporation of the territory of the Protectorate—to pick up the torn threads of the Ostmark and Sudetengau and, above and beyond this, to strengthen the economic relations. This will, at the same time, mean a considerable help in the reconstruction of these German Gaue. The close economic relationship is not limited to these German Gaue. The Bohemian and Moravian area was formerly the big industrial center of the old Danubian monarchy. In this heartland of central Europe were concentrated the most important industries of the old Austria-Hungary State with its population of over 55 million people. It was the destruction of its functions as an organ of supply, through the tearing apart of this great economic unity, which brought about the great disturbances of the central European economic life, and which will now have to be repaired for good. Assisted by the extensive and harmonious economic relations of greater Germany to the states of the southeast, the territories of Bohemia and Moravia will strengthen the existent trade and will help to establish new ties and will contribute its share to the building-up of an integrated and harmonious economic large-sphere-system [Grosswirtschaftsraum].

* * * * * * *

It will be the most important task of the economic incorporation to raise these industries and plants, as far as may be necessary, to the level of efficiency of the greater German industry; particularly to carry out, in a careful way, a systematical adjustment of the production programs by way of a rational distribution of work—and so to make available to the Bohemian and Moravian economy the advantages of a large internal market that would prevent them from frittering away their resources; to carry out, besides, such reconstruction and new construction as will integrate these industries, too, into the program of the Four Year Plan.*

* * * * * * *

Economic policies will have to be mindful of the fact that, in spite of the extensive industrialization, approximately half of the people gainfully employed in the Protectorate are employed in agriculture. Unemployment in this sector is comparatively small; there is, in part, already a shortage of labor. Price and wage policies will be conditioned by this fact, lest, through the rising attractiveness of the industrial wages, the flight from the country be increased; the more so, as agriculture is not only important

* See Volume XII, section VI B, "Military Economy. The Four Year Plan. The Financing of Armament."

from the point of nutritional policy, but is also of great importance in the field of exports in some sectors (such as hops, malt, sugar).

The cautious adaptation of wages and prices to the Sudeten-German level—which was increased in the meantime and which was initiated by the fixation of the respective rates of the Czech koruna and the reichsmark of RM 1 = 10 korun*—will be decisively influenced as to its degree by the needs of agriculture and exports but also by the price and wage level of the neighboring countries of the southeast, such as for instance Slovakia, with which they are in part closely connected. In the interest of the preservation of an efficient economy in the Protectorate, a carefully planned adaptation of the cost of living in Bohemia and Moravia, which is generally low as compared with most of the German zones, to that German Gau where the level of cost of living is lowest, is called for.

In order to be able to carry out such price and wage policies methodically and systematically, the Protectorate will have to remain separated from the rest of the Reich territory, for some considerable time to come, by an internal customs barrier, lest the dynamic force of the German economic development have results which would be undesirable from a psychological point of view and would prejudice the systematic and rational incorporation and healthy development of the economy in the Protectorate.

In the reconstruction of the Bohemian and Moravian economy, a banking system, simplified and strengthened by the financial power of the Reich, will play a leading part. Abuses such as the unhealthy domination of the industries in the Protectorate by the banks, which were largely in Jewish hands, will have to be eliminated. The new organized banking system will be able (especially for the export trade) to secure for the Bohemian and Moravian economy all the facilities, which are warranted by tradition, of the German institutes and their intensive work just in this field during these last years. With regard to the Aryanization of numerous branches of industry, which, of necessity, will be started and will have to be carried out carefully, the banks will be able to give powerful help.

The road is clear for a great future and a healthy development of the territorial and economic Reich completely unified and integrated for the first time through the historical achievement of the Fuehrer. The will to cooperate loyally and to respect one another is the prerequisite for a fruitful participation of the new Reich territory in the tremendous tasks which the European reorganization sets. The promotion, on an equal basis, of the

* See Document NG-3684, Prosecution Exhibit 634, reproduced earlier in this section.

economic interests of Greater Germany and Bohemia and Moravia, which are so felicitously parallel, will furnish the best basis for a permanent community which will become ever closer and closer and will be facilitated by the technical sense, the industry, and the proven efficiency of the working population of this territory which has now been entrusted to the protection of the Reich.

TRANSLATION OF DOCUMENT NID–9394
PROSECUTION EXHIBIT 3819

LETTER FROM THE BEBCA TO DEFENDANT KEHRL, 12 JUNE 1939, CONCERNING THE PURCHASE OF SHARES IN THE SKODA WORKS ON BEHALF OF GERMAN INTERESTS*

OD/LU Prague, 12 June 1939

Herrn Pres. Kehrl, Reich Ministry of Economics, Berlin

Dear Mr. President:

Regarding the discussions of the undersigned concerning the supporting syndicate for the Skoda operation. As we have told you, we did not succeed in our intention to have the entire parcel of stock of 21,425 shares held by the syndicate put up for sale as a unit, because the Czech syndicate members could not be moved to do so.

As per agreement we now cede to you 10,290 shares of Skoda stock at 1125 korun per share.

Furthermore, at your request, we have taken an additional 2,400 shares of Skoda stock at an average price of 805 korun per share; we suggest that you buy them from us at the price of 850 korun per share.

You owe us therefore:

10,290 shares at 1125 per share	11,576,250	korun
2,400 shares at 850 per share	2,040,000	korun
1½% sales tax on securities	6,808.50	korun
	13,623,058.50	korun

We assure you of our further endeavors in this direction and hope to be able to offer you additional parcels of Skoda stock.

Heil Hitler!

Boehmische Escompte-Bank und Credit Anstalt

* Reference is to the Skoda armament plant. Although this letter mentions share purchases on behalf of Kehrl, these purchases were actually made on behalf of a special account in Germany and later turned over to the Hermann Goering Works. A memorandum of the Reich Ministry of Finance, dated 28 October 1939 (Doc. NID–15640, Pros. Ex. C–183, reproduced later in this section) summarizes the holdings acquired in Skoda and other Czech concerns in connection with this special account.

TRANSLATION OF DOCUMENT NG-3744
PROSECUTION EXHIBIT 638

DECREE OF 3 OCTOBER 1939, SIGNED BY FRICK, VON RIBBENTROP, AND DEFENDANT SCHWERIN VON KROSIGK, CONCERNING LOSS OF CITIZENSHIP BY AND TREATMENT OF THE PROPERTY OF PROTECTORATE CITIZENS ABROAD

1939 REICHSGESETZBLATT, PART I, PAGE 1997

Decree concerning the Loss of Citizenship of the Protectorate of Bohemia and Moravia, 3 October 1939

In accordance with section 11, paragraph 1, of the decree of the Fuehrer and Reich Chancellor dated 16 March 1939 concerning the Protectorate of Bohemia and Moravia (Reich Law Gazette I, p. 485) the following has been ordered:

Section 1

(1) Nationals of the Protectorate [Protektoratsangehoerige] who are living abroad may be declared to have lost their citizenship [Protektoratsangehoerigkeit] if they have acted in a manner detrimental to the interests of the Reich or damaging to the reputation of the Reich. The same applies to nationals of the Protectorate who do not comply with a request to return home issued by the Reich Minister of the Interior with reference to this regulation.

(2) The decision will be made by the Reich Minister of the Interior in agreement with the Reich Foreign Minister and the Reich Protector of Bohemia and Moravia. They decide from case to case whether or not the loss of citizenship is to be extended also to the wife, to legitimate and adopted children and, in the case of a woman, to her illegitimate children.

(3) Loss of citizenship becomes effective with publication of the decision in the German Reich Gazette and the Prussian State Gazette.

Section 2

(1) The property of the person in question may be seized as soon as proceedings have been instituted for depriving him or her of citizenship, or as soon as the request to return has been issued. After a person has been deprived of his citizenship, his property may be deemed forfeited to the Reich. Seizure of the property will be concluded in 2 years at the latest, if it has not been declared forfeited to the Reich at an earlier date.

(2) Seizure of property and the declaration of forfeiture will be published in the German Reich Gazette and Prussian State Gazette. They will become effective on the date of publication.

(3) Execution of the measures necessary for seizure and declaration of forfeiture of property will be in the hands of the Reich Protector or the official agency appointed by him for the purpose. The Reich Protector, in agreement with the Reich Finance Minister, has authority over the property deemed to have been forfeited.

Section 3

(1) Through seizure, the owner of the seized property loses the right to dispose of any part of this property and his rights appertaining thereto.

(2) Concerning real estate and registered titles, the seizure is to be entered in the public register, at the instance of the authorities (art. 2 par. 3). Such registration shall have the effect that entries by which a seized title is conveyed, mortgaged, limited, or annulled, shall be subject to the approval of the authorities only (art. 2 par. 3).

Section 4

(1) If the property of a person who has been deprived of his citizenship has been deemed forfeited to the Reich, the Reich will become liable for debts arising from the forfeited property, up to the equivalent of the sale value of the property. Likewise, the new owner of such property becomes liable.

(2) Claims against objects declared forfeited remain valid.

(3) In case the property is heavily encumbered, bankruptcy proceedings will be instituted on application by the Reich Protector, or by a creditor, according to regulations concerning bankruptcy laws existing in Bohemia and Moravia. Bankruptcy proceedings shall come within the jurisdiction of the German courts in the Protectorate. The receiver is to be appointed in agreement with the Oberlandrat competent for the bankruptcy court in question, and may be recalled on the latter's request.

Berlin 3 October 1939

The Reich Minister of the Interior
FRICK

The Reich Foreign Minister
VON RIBBENTROP

The Reich Minister of Finance
COUNT SCHWERIN VON KROSIGK

TRANSLATION OF DOCUMENT NG-3745
PROSECUTION EXHIBIT 635

DECREE OF 4 OCTOBER 1939, SIGNED BY FRICK AND DEFENDANT SCHWERIN VON KROSIGK, CONCERNING THE SEQUESTRATION OF DEFINED TYPES OF PROPERTY IN BOHEMIA AND MORAVIA, AND RELATED MATTERS

1939 REICHSGESETZBLATT, PART I, PAGE 1998

Decree on the Sequestration of Property in the Protectorate of Bohemia and Moravia, 4 October 1939

Pursuant to article 11 section 3 of the decree of the Fuehrer and Reich Chancellor on the Protectorate of Bohemia and Moravia dated 16 March 1939 (Reich Law Gazette I, p. 485) the following is decreed:

Section 1

(1) The Reich Protector of Bohemia and Moravia, or the departments authorized by him, shall have the right to sequestrate for the Reich the property of individual persons, or of companies and associations who have fostered activities deleterious to the Reich, as well as things and titles which have been used for the promotion of such activities, or have been in the past or are now intended to be used for such purposes.

(2) The Reich Minister of the Interior shall determine, in agreement with the Reich Protector of Bohemia and Moravia, which activities are to be considered deleterious to the Reich.

(3) Property sequestrated shall be administered by the Reich Protector of Bohemia and Moravia. The Reich Protector of Bohemia and Moravia shall decide in agreement with the Reich Minister of Finance how the property thus sequestrated shall be used.

Section 2

(1) As a preparatory measure to sequestration, the office authorized to effect sequestration shall have the right to seize things and titles.

(2) On seizure the owner of the objects seized, or liable to be seized, shall lose the right to dispose of them.

(3) In the case of real estate or of titles entered in the land register, such seizure at the instance of the office effecting it, shall be entered in the public registers. Such registration shall have the effect that entries by which a seized title is conveyed, mortgaged, limited, or canceled, shall be subject to the approval of the department which ordered the seizure.

Section 3

(1) Where a property is not in the custody of the owner when it is seized, it shall not be confiscated, provided the owner claims the property as his own within one calendar month of seizure, with the department which authorized the said seizure.

(2) Where a property has already been seized when this decree is implemented, such claim shall be lodged within one calendar month of the implementation of this decree.

(3) A property shall be liable to sequestration even if the proprietor lays claim to his title, when by surrendering it he intended to promote activities which are defined by the Reich Minister of the Interior as deleterious to the Reich.

Section 4

(1) The order by which a property, a thing, or a title is sequestered shall be effective from the date at which it is issued to the person concerned or at which it is published.

(2) The order shall be considered a public document within the meaning of article 33 of the Land Registry Law.

(3) The authorities effecting sequestration shall make application for the entry in public registers of the right resulting from such sequestration. As soon as that right is so registered any entries made pursuant to article 2, section 3, shall be erased.

Section 5

Companies and associations whose property is sequestrated shall be considered dissolved thereby. Liquidation shall not take place.

Section 6

(1) The German Reich shall be liable for debts connected with property and titles sequestrated provided they do not exceed in value the sales value of the property and titles so sequestered. The person taking over such property or titles shall be liable in the same way.

(2) Claims on sequestrated property shall remain in force.

(3) In cases of insolvency, bankruptcy proceedings on the property shall be instituted at the instance of the Reich Protector or of a creditor, in accordance with the bankruptcy regulations applicable in the Protectorate of Bohemia and Moravia. Bankruptcy proceedings shall come within the jurisdiction of the German courts in the Protectorate. The official receiver shall be appointed in agreement with the Oberlandrat responsible for the area of the bankruptcy court, and shall be recalled on the latter's demand.

Section 7

Measures taken in accordance with this decree shall not be affected by the Decree on the Reorganization and Dissolution of Organizations in the Protectorate of Bohemia and Moravia dated 13 June 1939 (Reich Law Gazette I, p. 1012).

Section 8

The Reich Minister of the Interior, in agreement with the other Reich Ministers concerned and with the Reich Protector for Bohemia and Moravia, shall determine the date at which this decree is to be invalidated.

Berlin, 4 October 1939

The Reich Minister of the Interior
FRICK

The Reich Minister of Finance
COUNT SCHWERIN VON KROSIGK

TRANSLATION OF DOCUMENT NID-15640
PROSECUTION EXHIBIT C-183

MEMORANDUM OF THE REICH MINISTRY OF FINANCE, 28 OCTOBER 1939, CONCERNING THE ACQUISITION OF SHARES IN CZECH IRON AND MACHINE (ARMAMENTS) CONCERNS BY THE DRESDNER AND TWO CZECH BANKS "FOR THE ACCOUNT OF WHOM IT CONCERNS" OR "TO THE DEBIT OF KEHRL/DR. RASCHE"

[Handwritten] Dirig 5 U

Reich Ministry of Finance — Berlin, 28 October 1939

F 6794—25 V

Herewith corrected 21, 23, 24.

Subject: Purchase of shares in the iron and machine (armaments) industry in the Protectorate.

Reference: Reich Ministry of Economics, letters dated 26 August, 12 September, and 20 October (Generalreferent Kehrl).

I. *Note.*

A. Facts.—1. The Reich Ministry of Economics (Kehrl), upon the direction of the Plenipotentiary for the Four Year Plan [Goering], has caused the Dresdner Bank, the Boehmische Escompte-Bank and Creditanstalt (Bebca) as well as the Boemische Union Bank to buy up shares in the iron and machine (armaments) [(Waffen)] industry, while acting as trustee [treuhaenderisch], that is to say "for the account of whom it concerns"

or "to the debit of Kehrl/Dr. Rasche." Consequently, the banks have acquired the following investments:

[Firm:]*	Nominal amount of participation korun:	Share of base capital in percent	Price RM:
Erste Bruenner Maschinenfabriks A.G.	24,500,000	37.6	3,416,550
Poldihuette	43,774,000	35.04	14,433,530
Tschechoslowakische Waffenwerke A.G.	58,451,200	49	21,954,365
Skodawerke A.G.	19,988,800	9	6,915,289
Metallwalzwerke A.G.	4,147,000	23	9,000,000

Therefore, the banks bought shares for a total amount of:

[sic] 47,619,734

The purchasing prices were advanced by the banks.

[Handwritten marginal note] For details see enclosures 1 and 2.

2. Of these acquisitions the Reich Finance Minister approved, according to articles 33 and 45c, Reich Budget Regulation, the following purchases:

a. Nominal amount: 9,000,000 korun (13.8 percent) of the base capital of Ersten Bruenner Maschinenfabriks A.G., for 1,833,600 RM.

b. Nominal amount: 31,250,000 korun (25.04 percent) of base capital of Poldihuette, for 9,742,875 RM.

This approval was based on the budgetary fact that the Reich (Economic Ministry, Kehrl) gave the Dresdner Bank a guarantee by promising that the Reich, until 30 June 1940, would take over contractual obligations engaged in connection with purchases by the Dresdner Bank.

3. Consequently, there remain as not approved by the Reich Finance Ministry the following forementioned purchases:

Tschechoslowakische Waffenwerke	21,954,365 RM
Skodawerke	6,915,289 RM
Erste Bruenner Machinenfabriks A.G.	1,532,950 RM
Poldihuette	4,690,655 RM
Metallwalzwerke A.G.	900,000 RM
Total	35,993,259 RM

Concerning the purchase of shares in Tschechoslowakische Waffenwerke and Skodawerke (amounting to 28,869,654 RM), the Reich Ministry of Economics (Kehrl) referred in a letter of 6 October 1939 to the Minister's oral promise of providing a total of 30 million RM for these two transactions.

* The firms listed constituted the principal Czech concerns producing armaments or intermediate materials for armaments and related products.

4. Concerning the purchase amounting to 35.9 million RM, the Reich Ministry of Economics does not intend to apply for approval, according to Articles 33 and 45c of the Reich Budget Regulation [Reichshaushaltsordnung] to the Reich Finance Ministry. On the contrary, the Reich Ministry of Economics intends soon to apply for approval according to article 48, Reich Budget Regulation, in order that the Hermann Goering Works (holding) [sic] should take over these investments.

In the opinion of the Reich Ministry of Economics it is therefore not necessary to expressly set forth in writing the trustee relations actually existing in the meantime between the Reich (Reich Ministry of Economics) and the banks concerning the forementioned participations, in the same manner as with the participations mentioned under paragraphs 2*a* and *b* (concerning Bruenner Maschinen, Poldihuette).

The Reich Ministry of Economics therefore wants to make known its available data for information reasons only.

5. Upon the business managements of the companies concerned, the Reich now exercises the following influence:

a. Bruenner Maschinen—Dresdner Bank: 45.5 percent of base capital. The rest of the shares is allegedly very much split up. In the opinion of the Reich Ministry of Economics, the influence of the Dresdner Bank is therefore considerably greater than would correspond to its nominal participation in the base capitalization. Chairman of the Verwaltungsrat is Dr. Voss (HGW, Berlin).

b. Poldihuette—Stockholder-Syndicate: 54.2 percent of base capital. Chairman of the Verwaltungsrat is Dr. Rasche (Dresdner Bank, Berlin).

c. Tschechoslowakische Waffenwerke A.G.—Stockholder-Syndicate: 98.9 percent of base capital. Verwaltungsrat members are—inter alia, Dr. Voss, General Bodenschatz, Dr. Rheinlaender, Freiherr von Luedinghausen.

d. Skodawerke A.G.—Stockholder-Syndicate: 55.6 percent of base capital. Vice President of the Verwaltungsrat is Freiherr von Luedinghausen; members are, inter alia, Dr. Voss, Dr. Rheinlaender (Purchasing Department for Economic Expansion).

e. Metallwerke A.G.—German influence: 44.7 percent of base capital. The Dresdner Bank or the German group hold majority vote in all syndicates.

6. The purchase quotations are—

a. Concerning Bruenner Maschinen, an average of 115–140 percent. Up to date stock exchange, or oral quotations are lacking.

b. Concerning Poldihuette, an average of 362–375 percent. Oral quotations were around 325 percent.

c. Concerning Bruenner Waffen, an average of 375 percent. No quotations available.

d. Concerning Skodawerke, between 253 and 468 percent. Oral quotations fluctuated around 312 percent.

e. Concerning Metallwerke, an average around 117 percent. Stock exchange and oral quotations not available.

According to the opinion of the Reich Ministry of Economics, the purchase prices for the participations in the Bruenner Waffenwerke are extremely favorable, and for the rest of the investments, quite adequate.

Since the Reich Ministry of Economics has until now furnished no data, it is impossible to judge at present whether the purchase prices are adequate.

B. Opinion—1. The Reich Ministry of Economics ordered investment purchases already before the occupation of the Protectorate by German troops. The motive was based on ethnic policy as well as economic policy considerations. It is desired to preserve and to strengthen Germanism in the Bohemian-Moravian economy, and thus to have the Protectorate economy shaped according to the greater German pattern. In the view of the Reich Ministry of Economics, this task could not be left to private enterprise. The Erste Bruenner Maschinenfabriks A.G. and the Poldihuette, in particular, had always been, due to their German managed administration, great strongholds of Germanism in the Czech area. There surely is no need, in the opinion of the Reich Ministry of Economics, to mention any special reasons why the Reich should exert influence upon the Skodawerke and the Tschechoslowakische Waffenwerke.

2. The purchases having been transacted, the Reich Ministry of Economics deems the projected aims as accomplished. Additional purchases, therefore, shall be considered only for the purpose of rounding out the investment.

Thus, the project is carried out. The banks hold the investments at the disposal of the Reich. It is up to the decision of the Reich, however, whether or not it wishes to take over the participations for its own or the account of a "Reichsgesellschaft." According to article 48, Reich Budget Regulation, approval by the Finance Ministry would have to be received for such a transfer.

3. Legally, the Reich does not guarantee the purchased investments of 35.9 million RM to the banks. Since the Reich Ministry of Economics believes that the investments shall soon be transferred to the Hermann Goeringwerke (Holding) [sic], it

does not think a formal guarantee by the Reich to the banks is necessary. This is left up to the responsibility of the Reich Ministry of Economics.

II. *Via State Secretary,* to the Minister, with request for acknowledgment

III. *Files*

BY ORDER*

TRANSLATION OF DOCUMENT NID–13927
PROSECUTION EXHIBIT 3137

LETTER FROM DEFENDANT KEHRL TO DEFENDANT RASCHE, 18 APRIL 1940, CONCERNING REPAYMENT TO THE DRESDNER BANK OF THE PURCHASE PRICE OF SHARES IN BRUENNER-WAFFEN AND SKODA DEPOSITED AT THE DRESDNER BANK "IN THE NAME OF KEHRL/RASCHE" AND TRANSMITTING RELATED CORRESPONDENCE

I. Letter from Kehrl to Rasche, 18 April 1940

Reich Ministry of Economics
Generalreferent Kehrl S.I. 29/40

Berlin W 8, 18 April 1940
Behrenstr. 43
Telephone: 16 43 51

To Director Karl Rasche
Dresdner Bank, Berlin

[Initial] RA [RASCHE]

Subject: Sale of shares of Tschechoslowakische Waffenwerke Bruenn to the Reichswerke "Hermann Goering" as trustee for the German Reich

Dear Dr. Rasche:

Since agreement was reached recently, as you know, between the Dresdner Bank and Reichswerke about the particulars regarding the repayment of the purchase price for the Bruenner-Waffen shares, I enclose a confirmatory letter as requested by the Reichswerke with the request to cosign it, since the securities deposited at the Dresdner Bank are carried in the name of Kehrl/Rasche.

Please send the letter with your signature directly to the Reichswerke.

The other enclosed letters of 26 March and 9 April 1940, which I am sending for your information, return to me for my files,

* This unsigned document was found in folder "Nasse No. 139," one of the captured files of the Reich Ministry of Economics.

please. The copy of the letter of 9 April 1940 to the Reich Minister of Economics, Department IV Finance, which is also enclosed, I would like to have returned, too.

As far as the Skoda shares, which were sold, were concerned, legally the acquisition of these securities was to be confirmed to the Reichswerke in my name only.

Heil Hitler!

[Signed] HANS KEHRL

2. Copy of Letter from Hermann Goering Works to Defendant Kehrl, 26 March 1940

Aktiengesellschaft
Reichswerke "Hermann Goering"
President Hans Kehrl
Generalreferent at the Ministry of Economics
Berlin W 8, Behrenstr. 43

Extension	*Sign*	*Date*
306	HDV Sch/Fe	26 March 40

Subject: Acquisition of shares of Waffenwerke Bruenn A.G. and the A.G. formerly Skodawerke in Pilsen

In your letter of 7 December 1939 you offered us 130,528 shares of Waffenwerke Bruenn A.G. (formerly Tschechoslowakische Waffenwerke A.G. Bruenn) and 62,426 shares of A.G. formerly Skodawerke in Pilsen. This offer led to negotiations between our company and the competent officials of the Reich Ministry of Economics, as well as the Reich Finance Ministry, the result of which was that all parties concerned considered it more practical that not our company, but the Reich, purchase the above-mentioned shares. On 2 January 1940 we therefore sent the documents for review to the Reich Economics Minister, who directed us in his letter of 24 February 1940 (Akt Z IV Fin. 1425/40) to acquire the above shares from you as trustee for the German Reich.

According to this trustee decree of 24 February 1940, we accept your offer of 7 December 1939 regarding Waffenwerke Bruenn A.G. formerly Skodawerke in Pilsen.

Regarding the payment of the purchase price we have made certain proposals to the Dresdner Bank on which we had agreed with the Reich Economics Minister and the Reich Finance Minister.

Heil Hitler!
Reichswerke Hermann Goering
Signed: 2 signatures

3. Copy of Letter from Kehrl and Rasche to Hermann Goering Works, 18 April 1940

Copy Berlin, 18 April 1940

President Hans Kehrl

Director Dr. Karl Rasche

To Reichswerke "Hermann Goering"

Berlin W 8, Mohrenstr. 17/18

Subject: Acquisition of shares of Tschechoslowakische Waffenwerke A.G. Bruenn

With reference to your letters of 26 March and 9 April 1940 to President Kehrl, we confirm that you received from us 130,528 shares of Tschechoslowakische Waffenwerke Bruenn which we owned as trustees for the German Reich.

We take notice of your agreement as to the payment of the purchase price as laid down in your letter of 9 April 1940 to the Reich Economics Minister Department IV Finance.

Heil Hitler!

[Signed] KEHRL

[Signed] RASCHE

4. Copy of Letter from Hermann Goering Works to Kehrl, Undated

Aktiengesellschaft

Reichswerke "Hermann Goering"

President Hans Kehrl, Generalreferent at the Reich Ministry of Economics

Berlin W 8, Behrenstr. 43

Subject: Acquisition of shares of Waffenwerke Bruenn A.G. and the A.G. formerly Skodawerke in Pilsen, Prague

We refer to your offer of 7 December 1939 and our provisional confirmation of 26 March 1940 and wish to inform you that we have reached an agreement with the banks who are partners to the deal, with the consent of the Reich Minister for Economics and the Reich Minister of Finance.

Therefore, we wish to confirm that we will take over the shares from you as trustee for the German Reich, taking regard of the changes, as far as the number of shares goes, which we have made in mutual agreement since your first offer.

I. Waffenwerke Bruenn A.G.—130,528 shares at rate of 1,500 korun.

II. A.G. formerly Skodawerke Pilsen—

a. 19,197 shares at rate of RM 150.00 and RM 143.52 respectively.

b. 28,978 shares at an average rate of 887.45 korun.

c. 10,943 shares at the rate of 1057.50 korun.

The conditions for this contract as to the amount of the purchase price, the interest, as well as the time of payment, are those agreed upon with the banks concerned and which we sent in our report to the Reich Minister of Economics, a copy of which we enclose for your information. The figures mentioned therein are based upon statements of accounts sent to us, the correctness of which we must still prove. Please send us a confirmation of the concluded purchase contract.

The purchase price as agreed upon will be increased by RM 200,000, a commission payable to the Dresdner Bank with the provision that this payment must be approved of by the Reich Minister of Economics.

We are including the original of an application to the Oberfinanzpraesident Berlin, Foreign Exchange Department, asking for the approval of the transfer of the value of the shares as required by the foreign exchange regulations, with the request that you forward it to the Foreign Exchange Office together with your favorable comment.

Heil Hitler!

Aktiengesellschaft Reichswerke "Hermann Goering"

Signed: 2 signatures

953402—52——43

PARTIAL TRANSLATION OF DOCUMENT NID-13463
PROSECUTION EXHIBIT 3095

EXTRACTS FROM "ARYANIZATION REPORT" OF BOEHMISCHE ESCOMPTE BANK (BEBCA), AUGUST 1941, REPORTING METHODS AND EXTENT OF ARYANIZATION OF PROPERTY IN THE PROTECTORATE BETWEEN MARCH 1939 AND APRIL 1941, RELATIONS BETWEEN BEBCA AND DRESDNER BANK IN ARYANIZATION ACTIVITIES, COMMISSIONS RECEIVED, AND RESULTING INCREASE IN BEBCA'S BUSINESS

Aryanization Report [Arisierungsbericht] Boehmische Escompte Bank, August 1941

Short Synopsis of the Enclosed Report of the Boehmische Escompte Bank, Prague, on Aryanizations Carried Out by it in Bohemia and Moravia from March 1939 to April 1941

According to the enclosed report we have carried out officially approved Aryanizations amounting to a total purchase price of about 232,000,000 korun since the establishment of the Protectorate in March 1939 until April 1941. In respect to these purchase prices, consideration should be given to the fact that they were set as low as could be economically justified. In normal times, of course, the total value of Jewish property so far transferred into Aryan hands by us would undoubtedly be higher.

We have received commissions of about 4,900,000 korun from these activities. The report states that there are presently approximately 100 uncompleted Aryanizations. Most of the cases are in textile or food categories.

Our intensive efforts in the de-Jewification sphere [Entjudungssektor] have brought in a number of valuable current accounts and an expansion of our credit business. In addition, the specialized activity in this field was highly beneficial to the general promotion of our business.

Our Aryanization group never consisted of more than a few workers.

Boehmische Escompte Bank
[Signed] KANZLER
[Signed] STUTZ

Prague, 6 August 1941

Prague, August 1941

Report of the Boehmische Escompte Bank in Prague about Aryanizations carried out by it in Bohemia and Moravia, March 1939 to April 1941

When on 15 March 1939 the Protectorate Bohemia and Moravia was established (and at this time the Aryanization of the economy of Bohemia and Moravia began), our institution was led by two endeavors:

First, we were concerned to transfer our own Jewish business connections into non-Jewish hands and not to allow them to be "Aryanized away" through our competitors.

Second, we were concerned to make use of this unique opportunity of promoting our business in a grand style and to gain as many new clients as possible through Aryanizations.

This report is submitted after more than 2 years of effort, which followed on the basis of the two above-mentioned directives. Today we can say that we have in general attained the goals set forth.

The Aryanization group established by us was always small and reached on the average the number of five people. They worked within the jurisdiction of the branch control office.

Their not unfavorable results are valuable for the general acquiring of clients. The results rest mainly on untiring perseverance in spite of all setbacks in the securing and handling of objects for Aryanization, and we did not allow ourselves to be discouraged although many cases had to be worked on for years.

One must consider the fact that in Bohemia and Moravia the first regulation on the barring of Jews from economic life in Bohemia and Moravia was published 10 months after the establishment of the Protectorate. Therefore, no legal basis existed during the first stages of Aryanization, while the third and most important decree, which barred Jews from all business, was not published until a year later—namely, in January of this year. This decree became the basis for forced Aryanization.

The greatest efforts in this subject for us were necessarily in the year 1939, when we at first had to establish the de-Jewification branch on as broad a basis as was possible, and only a single decree had been issued giving only a definition of what Jewish property and Jewish firms were.

The situation was such that, in comparison to our competitors, we were at a strong disadvantage. The main part of our current account business was done in our Sudeten-German branches, which we had made a part of the Dresdner Bank when the Sudetenland was incorporated into the German Reich.

In Prague and in the Bohemian-Moravian province we were represented much less in the current account business than our greatest ethnic-German competitor, the Boehmische Union Bank, which in addition was engaged much more in Jewish business than we were.

Besides the Czech banks mostly had their lawyers work on the Aryanization of their Jewish clients who, in the first phase of Aryanization (if they were willing to sell at all), had the tendency to sell to Czechs anyhow. We did not allow ourselves to be discouraged through this but from the beginning represented only the interests of the Aryan clients, whom we energetically selected from *all branches of the Dresdner Bank concern.* By availing ourselves of the numerous possibilities of the entire concern, we brought Aryanization into full swing on a broad basis. In this connection it must be emphasized again that this drawing of cross connections through the whole net of branches and representation of the entire concern of the Dresdner Bank and the remarkable support of the Dresdner Bank Main Office, Berlin, led to a lively and profitable commission business.

We have ascertained the *Aryanization objects* in Bohemia and Moravia as intensively as possible, no matter whether we had any connections with them or not, and offered them to the clients of the Dresdner Bank in the Reich wherever we could only surmise they would be interested. After a vacuum at the beginning, which was to be expected, by and by a serious demand set in from Germany as well as from the Ostmark and the Sudeten districts.

Interested persons also came to us who wanted to Aryanize without a bank as intermediary and authorized us to represent their interests. Also later, applicants frequently came to us who first had been represented by a competing bank in Germany or in Prague.

Therefore, we principally represented only such applicants who *politically, professionally, and financially, were acceptable.* By painstakingly observing these conditions, we secured a correct and smooth cooperation with the Aryanization authorities of the Protectorate.

The prejudice against banks, which from the start of our Aryanization work we continually experienced, we took for granted as natural in the beginning and, by proving our usefulness in the carrying out of the de-Jewification, we overcame it so that later the Aryanization authorities themselves sent many cases to us.

In all transactions concerning de-Jewification we have also taken into consideration the best viewpoints as to national economy; therefore, in the beginning of Aryanization, when the Jewish owners wanted to sell their factories only against a percentage in

free foreign exchange and there were no forced sales as yet, we consistently were opposed to this method of making purchase contracts against foreign exchange, even though we made it harder for us to do business.

The *outbreak of war* did not hinder our efforts, even though it seemed in the first weeks of war as if all contacts which had been made were interrupted. However, it must be underlined that the beginning of war brought a natural setback for the Aryanization business. A great many applicants withdrew. Due to the control of raw materials and scarcities, the objects to be de-Jewified became much more sensitive than in normal times. In this connection it is instructive, for the general acquisition of clients, to state that only patience and tenacity were necessary to overcome these difficulties, or to lessen them.

As to the technical side of our work, the *information service* which we have expanded in the course of our Aryanization efforts rendered a very valuable service. We principally made personal visits to the objects to be Aryanized only after having received exact information.

In the personal visits we laid primary weight, whereby it must be remarked that this regular repetition of personal visits cannot be estimated too high. Only through this personal influence we established close relations with the objects—and above all, on exact knowledge of them—which was very useful later in advising our buyers.

The buyers, which mostly came from Germany, Sudetenland, or Ostmark, we kept informed on conditions in Bohemia and Moravia, and attended to them in every way during their stay here. In particular we introduced them to the Aryanization authorities, formulated their applications, showed them the de-Jewification objects, represented their interests continually and, in particular, promoted the conclusion of the purchase negotiations.

In our *contacts with the Aryanization authorities* we stayed closely within the directives and wishes for the handling of the single cases. Moreover, we demonstrated to the authorities, through careful selection of the applicants sponsored by us, that we did not want to force our way into the Aryanization business at any price.

As mentioned above, we principally represented only the interest of the Aryan buyers and made agreements only with them. These were so worded that, in case no Aryanization resulted from our efforts, we did not charge anything to the applicant, even though we may have worked most extensively for years on such a case. If the Aryanization took place however, then we charged a commission of 2 percent of the purchase price and

became the client's bank. In many cases we could insist on the commission; when greater objects were involved we reduced it. We never looked upon this income as the main purpose of our Aryanization work. On the average however, we received slightly more than 2 percent.

After those general statements, we are giving below a summary according to branches, listing the purchase prices and commissions received from Aryanizations we have negotiated in the course of our 2 years' activities in that field.

The branch review covers only the period until April 1941. Aryanizations carried out from April until August 1941 are dealt with in the report below.

The valuable connections which we could secure through such Aryanizations, which we ourselves did not negotiate directly, are not shown in this report. Such instances also follow below.

Summary of the completed Aryanizations from March 1939 to April 1941 (rounded off at 1000 korun)

Branch	*Purchase Price Korun*	*Commission Korun*
Machine and metal industry	64,550,000	1,347,000
Textile industry	33,773,000	904,000
Chemical industry	33,482,000	861,000
Beverages industry	32,217,000	582,000
Leather and shoe industry	25,438,000	226,000
Diverse industries—wholesale	12,949,000	151,000
Paper industry	10,527,000	188,000
Lumber industry	6,957,000	110,000
Real estate, houses	3,640,000	99,000
Glass and porcelain industry	3,105,000	83,000
Sugar industry	3,100,000	130,000
Food industry	2,106,000	131,000
Transport companies	75,000	5,000
Diverse commissions		78,000
	231,916,000	4,895,000

This summary shows that on the average we obtained somewhat more than 2 percent in commissions, exactly 2.11 percent.

From April until August 1941, we received further commissions of approximately 500,000 korun.

The above report was prepared at a time when we were still working on *close to a hundred pending Aryanizations,* which will surpass in scope the completed Aryanizations considerably.

* * * * * * *

In particular the textile Aryanizations are lagging behind. In this sphere alone we are working on about 30 large cases. We will mention here just the three biggest cases which will probably bring, as purchase price alone, more than 200,000,000 korun.

* * * * * * *

The new business resulting from the Aryanization of business is a worthwhile increase for our current accounts.

* * * * * * *

Prague, August 1941

PARTIAL TRANSLATION OF DOCUMENT NID-15575
PROSECUTION EXHIBIT 3771

LETTERS FROM DEFENDANT PLEIGER TO GOERING AND DEFENDANT KOERNER, RESPECTIVELY, 5 DECEMBER 1941, CONCERNING THE DONATION OF 3,000,000 REICHSMARKS FOR THE DISPOSAL OF GOERING FROM THE PROFITS OF THE WITKOWITZ AND POLDIHUETTE CONCERNS, AND RELATED CORRESPONDENCE

I. Letter from Pleiger to Goering, 5 December 1941

Copy

To the Reich Marshal of the Greater German Reich
Berlin W 8
Leipziger Str. 3

Berlin-Halensee
5 December 1941

Dear Reich Marshal,

The Witkowitz Bergbau and Eisenhuetten Gewerkschaft* and the Poldihuette A.G., both belonging to the Montanblock of the Hermann Goering Works, have given to me, out of mining and steel works, the profits of the business year 1941 now nearing its end—an amount of RM 3,000,000, with instructions to put it at your disposal, Reich Marshal. RM 2,400,000, come from the Witkowitz profits, and RM 600,000, from the Poldihuette A.G. profits.

I am glad to report to you, Reich Marshal, that, just as in the preceding year when I sent you the donation of the Witkowitz Bergbau and Eisenhuetten Gewerkschaft, the favorable development of the two enterprises justifies the donation—particularly as both Protectorate enterprises have, least of all, to be grateful for their profits to the economic measures taken by the Third Reich.

Heil Hitler!
Yours very respectfully
Signed: PAUL PLEIGER

* This company is frequently referred to as the "Witkowitz" or "Vitkovice" (company). Witkowitz is the German spelling of the former commune of Vitkovice, now a part of the city of Moravska Ostrava (Czechoslovakia).

2. Letter from defendant Pleiger to defendant Koerner, 5 December 1941

Berlin-Halensee
Albrecht–Achilles Str. 62–64
5 December 1941

Copy

To State Secretary Koerner
Berlin
Leipziger Str. 3

Dear State Secretary,

I beg to send you herewith a letter to the Reich Marshal together with a check in the amount of RM 3,000,000. Please hand this amount to the Reich Marshal.

Heil Hitler!

Signed: PAUL PLEIGER

3. Receipt of 3,000,000 Reichsmarks by defendant Koerner, 5 December 1941

Receipt

Check for 3,000,000 RM (three million reichsmarks) received from Mr. Pleiger.
[Handwritten] According to letter sent to the Reich Marshal on 5 December 1941
Berlin, 5 December 1941

[Signed] KOERNER

4. Letter from Dr. Wolff to the Office of the Hermann Goering Works, 26 May 1942, transmitting copies of correspondence on the 3,000,000 reichsmarks gift to Goering

Office of the Concern [Stamp]
Secretariat Dr. Delius
001682 27 May 1942

To Dr. Delius

Interoffice Correspondence 26 May 1942

Subject: Donation to the Reich Marshal

Attached hereto I am sending you 2 copies each of a typed and/or photostatic copy of—

1. Letter dated 5 December 1941 from Mr. Pleiger to State Secretary Koerner.

2. Letter dated 5 December 1941 from Mr. Pleiger to the Reich Marshal.

3. Receipt dated 5 December 1941, in respect to check for RM 3,000,000, received by State Secretary Koerner.

Will you please send one copy of each to Dr. Rasche, if necessary. As far as my assistance in settling this matter is needed, please consider me at your disposal.

Heil Hitler
[Signed] DR. WOLFF[1]

2. TESTIMONY OF DEFENDANTS KEHRL AND RASCHE

EXTRACTS FROM TESTIMONY OF DEFENDANT KEHRL[2]

DIRECT EXAMINATION

DR. GRUBE (counsel for defendant Kehrl): Witness, your full name for the Tribunal, please.

DEFENDANT KEHRL: My full name is Karl Friedrich Gustav Hans Kehrl.

Q. When and where were you born?

A. 8 September 1900 in Brandenburg on the Havel.

Q. Please describe your career to the Tribunal up to 1933.

A. First of all in Brandenburg on the Havel and from 1914 onward in the Cottbus I attended the Gymnasium and I graduated in 1918. Then I was apprenticed to my father's plant, a clothing manufacturing plant. This clothing manufacturing plant had been founded in 1859 by my grandfather. The owners at the time were his two sons—my father and my uncle. For 1 year I passed through all the departments of this cloth manufacturing plant and then I went to the technical engineering and textile schools first of all in Reutlingen and later in Aachen.

After having attended these schools and having graduated after 1 year's time, I once again returned to my father's clothing manufacturing plant for further training. Driven by the desire to extend my perspective and knowledge, I desired to gain further training abroad, and in November of 1921 I went to the United States. For the trip and my stay there my father granted me ample funds. Eight days after my arrival in the United States, to his dismay, I returned the money. I was going to try to find out how one is able to manage to live without friends, acquaintances or funds.

I worked in the United States, first of all, in Passaic, New Jersey, as a weaver. Ten weeks later I left this job and took a job in the same city in assembling textile machinery. Never in my life had I assembled textile machines but I stated that

[1] Dr. Georg Wolff was associate defense counsel of defendant Pleiger during the trial. In 1941 he was a member of the Berlin office of the Hermann Goering Works.

[2] Complete testimony is recorded in mimeographed transcript, 11–13, 16–19 August 1948; pages 15533–15594, 15676–15782, 15881–15978, 16099–16212, 16350–16449, 16575–16702, and 16884–16994. Additional extracts from the testimony of defendant Kehrl are reproduced later in sections XI C 3 and XII C 1.

I was [experienced in the] job, and as I had just come from Germany—as the machines were of German origin—they believed me.

Then subsequently I changed my job repeatedly. I was a dye worker; I was a weaver, both in Philadelphia and then in Maine, where I came to be an assistant of the superintendent of a clothing manufacturing plant, particularly well known there. I stayed for 2 years in the United States when I received a telegram from my father urging me to return home, because the work involved as a result of the inflation could not be done by him alone any more.

In July 1923, therefore, I returned to Germany and then entered the management of my father's plant. I had the necessary engineering training and in addition to that I was to take over the technical management. After 3 years, in 1926, my father died prematurely and from then on I was responsible actually for the entire management of the plant, in view of the fact that my uncle was very ill, and was only able to take care of part of the activities. And, in addition he didn't know anything about the commercial side of the business and was not interested in it either. He only devoted himself to engineering and technical problems.

From that time on I was in charge of the plant management up to that time when I became active very extensively in the general economic life of my country and on behalf of the government.

In the course of my activity I undertook numerous journeys abroad, particularly one year I went back to the States, where I undertook quite a significant export business in coat materials—significant in view of the size of my father's business. The factory had 400–450 workers in its employ, and the annual output fluctuated between one million and one and a quarter million dollars turnover. The number of workers changed very little in the course of years; only during the war did it decrease substantially and finally in 1945 it amounted to 200 men.

Q. Mr. Kehrl, did you receive any judicial training?

A. No. I have no legal or judicial training whatsoever.

Q. Were you interested in economic questions actually exceeding your own career?

A. Yes. Very vitally so. From my early youth in the States I took a great interest in these problems. In the States I regularly read a large number of economic periodicals and pamphlets and later on, after having returned to Germany, I regularly read a large number of domestic and foreign economic periodicals. And I pursued the economic life of Germany and, exceeding that

of Germany, the economic life of the entire world, to such an extent as it is possible for a reader of periodicals to do.

Q. Did you also interest yourself in Soviet Russian economy?

A. Yes. I did that too. Already in the middle of the twenties, let us say 1925, limited by what I read, naturally I was interested in the development of Soviet Union economic life and I pursued the expansion, construction work, and development of Soviet Russian economy and of planned economy. I did so with great interest.

Q. Witness, prior to 1933 did you publish any articles, speeches, similar things?

A. No, not at all.

Q. Prior to 1933 did you hold any function in this self-administrative body of German economy?

A. A few. Of course I belonged to the local manufacturer's association. I also belonged to several associations in the textile industry spread all over Germany. And approximately from 1928 on I occasionally attended the conferences and meetings—I am afraid this is one of my bad qualities; I am unable to listen to discussions without taking part in them myself—and almost in each one of these associations, and as a result, after a short time I was elected into some body and there I was supposed to do some work. My bad trait of not being able to take a silent role in discussions also led me to land in the defendants' dock in this courtroom.

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Q. Prior to 1933 were you a member of the NSDAP?

A. No. I was not.

Q. How did you come to turn to national socialism?

A. At the time when I graduated from school I interested myself in social welfare questions from the very start to an excessive degree. I was convinced that the solution of the social problem which had resulted from the mechanization of industry in the nineteenth century was the problem that had to be solved in the twentieth century.

The intense controversies in the social life of the country which developed in the social life of the various European nations literally cried out for a solution to be found. And after World War I, in many countries revolutionary measures introduced such reform. I confine my statements expressly to European states only because I know from my own experience that as far as the United States is concerned the social problem is nowhere and by no means has the significance and the acute stage, or ever has had that actually prevailed in Europe. I already said just a minute ago that I was apprenticed to my

father's factory, against the strong opposition offered by my father and uncle—these two being of the opinion that a future head of a plant was not to be trained in a factory itself because that would be detrimental to the authority he would have to employ later.

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While working in my father's factory I came to have a considerable affection for the workers, and this affection later proved to be the main objective of all my subsequent life's work. I gained the conviction at that time that compared with all previous castes and layers of the population, the worker was the most important precious factor. The workers, almost without exception, were hard-working, conscientious, modest, willing to sacrifice, willing to help, and practically speaking, they associated in themselves all good human qualities. And at that time, as well as later on, over and over again I found that the willingness to offer help to third parties is always strongest with those people who actually can least afford to be cooperative and helpful. From that time on this conviction of mine increased from year to year, and by the end of the war it was just as strong, and it continues to be my firm conviction today.

Starting out from this attitude, I had the desire to come to know life in the United States in just the same manner as it offers itself to a worker and that was the reason why I returned the money which my father made available to me. I think that the basic principle leading up to my becoming a National Socialist, strange to say—and it may sound very strange to Your Honors—these basic principles were found by me in the United States. In America I found conditions prevailing which, in several respects, were fundamentally different from conditions prevailing in Germany. I was most impressed by the fact that in actual practice there were no differences in castes or layers of the population, and that it was taken as a matter of course and as a natural thing for very high executives, even manufacturers, to associate closely with their workers from purely humanitarian points of view.

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Q. When for the first time did you attend a National Socialist propaganda meeting?

A. In 1931, after the September election of 1931, I attended local meetings in Cottbus, and I was impressed on that occasion very considerably by the speech made by the then Gauleiter of Brandenburg, Wilhelm Kube. The speech was made to a public which consisted almost exclusively of the middle class. He con-

fronted this public in a particularly poignant form with the fact that the National Socialist Party was a workers' party, and I noticed there for the first time, that that was the first party which, not being a party of the workers, but much rather a party for the workers, and that it was the first party that succeeded in winning over citizens for these new ideas despite the fact they were not workers themselves.

Q. When, for the first time, did you hear Hitler speak publicly?

A. Easter of 1932 in Dresden on the occasion of a large rally in connection with the Reich presidential election. The impression that I had already previously gained by Kube's speech, was corroborated on that occasion. The public comprised approximately 40,000 people, and it consisted most predominantly of members of the middle classes, and of the more wealthy parts of the population. Only a smaller percentage represented workers among the public. Hitler made his speech which was very strongly socialistic in its tenor, and which was characterized particularly by the fact that he said nothing to his listeners except continuously and unfailingly reminding them of their duty toward the general public and reminding them of the necessity of making the worker and the workers' welfare the central pivotal point of their thinking, and at that moment, having heard the speech, and the surprising fact that an electorate used to being given promises, reacted positively to that, I came to be a National Socialist.

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Q. Mr. Kehrl, before the recess you stated that you were striving for an improvement of the social position of the working classes and that you had seen such an improvement in enlarging that "pie," the social product.

What did you mean by that?

A. I meant by that that there was to be an increase in the production of all manufactured goods.

Q. You mentioned your attitude toward the Nazi Party; let me ask you a few questions in that regard. The anti-Semitic tendency of the Party played no role in your attitude, did it?

A. No. It played no role at all; however, I did approve of the intended exclusion of the Jews from political life.

Q. Why did you do so?

A. In view of the extraordinarily incitement and public propaganda carried on by the Communist Party and the Independent Socialist Party, the share of the Jewish deputies and Jewish socialists was so overwhelmingly large that I thought that the political and social life could be pacified by eliminating them.

Q. Then, you were an anti-Semitic?

A. No. I do not believe so. I believe that I have had more to

do with Jews in my life than any of the other defendants. As a textile manufacturer I had Jewish customers almost exclusively, both in Germany and abroad. I got along very well with them indeed, and that continued to be the case after 1933. I was of the view that the Party program did not imply any damage to the Jewish economic position. On the contrary, I was of the opinion that excluding Jews from political life would constitute an advantage for the great majority of Jews, because it would force the anti-Semitic propaganda into the background. After 1933 many Jewish customers of mine asked my advice, whether I believed that their economic activities would, in the future, be impaired or hindered. I denied that to the best of my belief. At that time Schacht coined the phrase, "There is no Aryan paragraph in economy." This phrase of Schacht's was expressly affirmed by Bernhard Koehler, as leader of the Economic Political Commission [of the Nazi Party]. Until 1936 I myself had Jewish salesmen. In 1936 my Berlin representative asked me whether I would advise him to emigrate. I told him that it would not be necessary for the sake of himself and his future, but for the sake of his child, who was 15 years old at the time, I would advise him to do so, because the choice of vocation, etc. might be limited for Jews in the future. Thereupon he did emigrate; I assisted him in that and I paid the expenses involved.

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Q. How did it happen that after 1933 you took part in public economic life?

A. In April 1933 the Nazi Party, to which I did not belong at that time, requested me to become the president of the Chamber of Commerce in Cottbus. It [the Nazi Party] gave as its reason the fact that I was the only manufacturer in whose social attitudes it had sufficient confidence. I made the condition that no Party doctrine would interfere with my performance of duties in that capacity. That was promised to me and the promise was never infringed. In May of 1933 I became the president of the Chamber of Commerce in Cottbus and I joined the Party.

Q. When did you join the Party?

A. On 1 May 1933.

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Q. Witness, when you were president of the Chamber of Commerce and Gau Economic Adviser, did you know leading Party functionaries?

A. I merely knew the local Party men—my own Gauleiter, Kube, and his staff; I knew none of the Party members who occupied a leading position in the Reich as a whole.

Q. When did you first have personal contact with Keppler?

A. If I recall correctly, in 1933; but in 1934 for certain on the occasion of one or several meetings of Gau Economic Advisers. However, I did not speak with him at that time, but I merely saw him at these events.

Q. And when did you come into personal contact with him?

A. The chief of the economic organization of the textile industry had drawn up a memorandum, directing it against the optimistic evaluation of the use of staple fibre as raw material. He sent this memorandum to numerous agencies, including Keppler. I also received a copy of this memorandum; and, since I was not at all in agreement with its conclusion on the basis of my own research, I wrote a countermemorandum and sent it to the same offices—about 20 in all—to which the first memorandum had been sent. The only person from whom I received an answer was Keppler. He asked me to tell him more about my experiments and experiences, which I did.

Q. Then, how did your activities in Keppler's office come about?

A. In November 1934 I received from Keppler a letter, 10 lines long—

JUDGE MAGUIRE, Presiding: Counsel, I'm afraid we'll have to take a recess for a few minutes.

(A recess was taken.)

THE MARSHAL: Military Tribunal IV is again in session.

DR. HESSE: (associate counsel for defendant Koerner): Your Honors, I should like to request that Koerner be excused from attending tomorrow morning's session for the further preparation of his case.

JUDGE MAGUIRE, Presiding: You will have someone here to take care of his interests?

DR. HESSE: Yes, sir.

JUDGE MAGUIRE, Presiding: The motion is allowed and defendant Koerner will be excused for tomorrow morning's session.

You may proceed, Dr. Grube.

DR. GRUBE: Witness, we were just discussing the question of how it came about that you were active in Keppler's office.

DEFENDANT KEHRL: In November of 1934 I received a letter from Keppler which was ten lines long. It said that he had received the task from the Fuehrer to enlarge Germany's production of raw materials in view of the foreign exchange situation, and he asked me to make myself available to him for the completion of this task in the textile division. Thereupon I visited him in Berlin in order to orient myself regarding the extensiveness of this task. He told me at that time that he thought the

task could be handled by me in 3 or 4 days out of the week and that it would last about 1 year. However, it still isn't finished.

Q. Did you enter the governmental service and were you paid by Keppler?

A. No. I did not enter governmental employ but reserved my right to have the title an honorary one, since I wished to remain a manufacturer.

Q. Perhaps, on this occasion, we could discuss this question with respect to all your future activities also. Did you later become an official or employee of the Reich?

A. I was never an official or an employee of the Reich. I never had a service contract with the Reich and was never remunerated. I received expenses solely for the costs of living in Berlin—where I did not have my domicile—which were, in Keppler's opinion, sufficiently covered by 400 marks a month. However, I spent about twice that amount. In the Four Year Plan, later, I didn't even get that much, and after a half year I asked the chief of the office how much money one had to bring along of one's own to be permitted to be active there, whereupon an arrangement was made, which was kept in force until 1945, for my personal expenses I received 600 marks a month, my firm received 1200 marks a month, as salary for the director who took my place there. The director earned between 40,000 and 50,000 marks per annum.

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Q. How long did your activities in Keppler's office last?

A. Until the inception of the Four Year Plan, when the functions of Keppler's office were transferred to the Office for German Raw Materials and Synthetics in 1936.

Q. Then you were active in the Office for Raw Materials and Synthetics?

A. Yes. It was an office in the Four Year Plan in which I had the same sphere of activities as I had in Keppler's office.

Q. How long were you there?

A. Until January 1938. Then this office was dissolved and its tasks were in the main transferred to the Reich Ministry of Economics.

Q. Was that your definitive departure from the Four Year Plan or did you hold any additional functions?

A. At that time I left the sphere of the Four Year Plan once and for all and since then exercised no functions in the Four Year Plan.

JUDGE MAGUIRE, Presiding: Pardon me. What was that date?

DEFENDANT KEHRL: January 1938.

JUDGE MAGUIRE, Presiding: Thank you.

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Q. Mr. Kehrl, was it your intention to remain in governmental service?

A. No, by no means. My situation at that time, however, was as follows: the enforced rapid expansion of the staple fiber industry led to certain difficulties in the quality of the staple fiber being worked on. I wished to obviate these difficulties before I gave up this task once and for all.

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Q. Witness, in 1941 and 1942 did you have special tasks too?

A. Not in 1941. But in April 1942 I received the special task from Funk and Speer jointly to reorganize the entire German raw materials economy both in its methods and its set-up. The reason for this task was that in the raw materials economy, in the unanimous opinion of economists, the textile sector functioned best of all, and consequently received the task, first of all, of putting in order the metal and iron economies, and subsequently the other raw materials. I am using the German word "Bewirtschaftung" which has been translated "economy." It is, however, difficult to translate. The same word is translated in the documents by the following words: controlled economy, economy, economy control, management, control and management, rationing, allocating, rationing and allocating, over-all controlled economy, and a lot more expressions. And this happens as translation for the same word in the same document which does not make the documents a great deal more comprehensible. The word actually means the following: Something is "bewirtschaftet" in Germany if it is raw materials or wares which cannot be freely purchased and sold, but for the purchase or sale or processing of which governmental approval or license in one form or another is necessary. All of these regulations of this sort are included under the term "Bewirtschaftung," which means in general, the establishment of production programs, the distribution of raw materials, and the rationing of the finished product.

Q. Mr. Kehrl, you said that in April of 1942 you received the special task to reorganize the "Bewirtschaftung." What was the most important aspect of this task?

A. By far the most important aspect of this task was the reorganization of the iron "Bewirtschaftung." In 1940 to 1942 about 10 million more quotas were issued than were produced, which led to rather considerable chaos in the iron industry. This quota system had to be changed from the ground up, particularly in this direction, that this overdrawing of the quotas should be done away with. This was achieved by me through a plan which I set up and through this work I, for the first time, came in touch with Speer.

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Q. When, for the first time, were you faced with problems concerning the former Czechoslovakia?

A. Directly after the Munich Agreement. And I gather from the files that it was on 3 October.

DR. GRUBE: Your Honors, in regard to the date, I beg to refer to Document NID–13402, Prosecution Exhibit 3073,* contained in prosecution document book 144–B. I refer particularly to page 275 of the English document book.

DEFENDANT KEHRL: On that date Funk asked me to accompany him, as well as five or six other officials of the Ministry, to a conference with Goering in Karinhall. The objective of the conference was to discuss the rate of conversion, that is, to discuss the rate of exchange at which korun, which were circulated in the Sudeten Gau, were to be converted into German reichsmarks.

Q. Who took part in this conference?

A. This conference was attended, as far as I remember, by approximately 50–60 people. It was a kind of a national assembly. The most essential part of the discussion took place between the then Reich Bank Director Schacht and the economic consultant of the Fuehrer of the Sudeten-Germans, Henlein. The Sudeten-Germans wanted to get as high a rate of exchange as possible for the conversion of the koruna, whereas Schacht intervened in favor of maintaining the rate of exchange that had existed up to that time. The actual currency value of the Czech koruna at that time amounted to 8.6 pfennig for 1 koruna or, in other words, 12 korun had the value of 1 RM. The Sudeten-Germans wanted to get 12–15 pfennig for 1 koruna, instead of 8.6 pfennig, for various reasons.

JUDGE MAGUIRE: Say that again.

DEFENDANT KEHRL: The exchange value of the Czech koruna prior to the Munich Agreement, which was fixed officially both in Prague as well as in Berlin, amounted to 8.6 pfennig for 1 Czech koruna. The Sudeten-Germans, however, desired to obtain a much higher rate of exchange for their korun, and they based that on numerous arguments that they tendered. After several hours had passed the conference was discontinued, without any definite decision having been reached. Funk told me that I was to discuss the matter further with Richter, who was the economic adviser of Henlein, because he had been ordered to submit a memorandum to Goering. The experiences that I had had in Austria were to be utilized in connection with that memorandum. In spite of the unfavorable experience that we had had previously in Austria, I supported Richter in the pro-

* Reproduced earlier in this section.

posal that 12 pfennig equal 1 koruna. I did so for a very simple reason. The economic situation, as well as the financial situation, of the Sudeten-German area was a very serious one. There was no doubt that both people as well as economy had to be subsidized with considerable means from the Reich. If the rate of exchange was fixed at a high level, the major portion of the population and the small businessmen would be placed on a good basis and, therefore, they probably wouldn't have to receive any special financial subsidies to aid them. Industry, which had difficulties in competing with foreign competition, had to be subsidized anyway, one way or another. Seen from the administrative point of view, it is a much easier proposition to subsidize a few hundred industrial enterprises than it is to subsidize tens of thousands of small businessmen. Goering fixed the rate of exchange in accordance with a memorandum of Richter, on the basis of 12 pfennig, and the rate of exchange was called the "Goering exchange." Goering wanted to express thereby that he had made a special gift to the Sudeten-Germans. The further course of affairs was that the Reich Bank, for the account of the Reich, redeemed the Czech currency which was circulating in the Sudeten Gau at the rate of 12 pfennig to 1 koruna. And the Czech korun which had been called in were made available by the Reich Bank to the Reich, because the loss had to be borne by the Reich—the loss meaning the difference which resulted between the rate of 8.6 pfennig to 1 koruna and 12 pfennig to 1 koruna.

In the documents later on repeated, reference is made to this incident. There is a wealth of documents which mention the "seized koruna," that is, the koruna seized in the Sudeten Gau. The translation is "seized." In the German text it says not a word about the "Beschlagnahmt," which is the German equivalent for "seized." This is a typical case of an argumentation's being turned in in evidence instead of a proper translation. In some portions you will find the correct translation, "currency withdrawn in the Sudeten Gau," or "currency converted in the Sudeten Gau." Not a single koruna was "seized" from anybody, but much rather every single person, in exchange for his koruna, received 12 pfennig.

As far as the remaining portion of Czechoslovakia is concerned the situation that developed was the following: The Reich Bank and the Finance Minister held a considerable stock of Czech korun in their possession. In the course of November 1938 the National Bank in Prague received these korun, these korun being sent to Prague, and the Czech bank credited the countervalue on a special account. That is the normal course of procedure if one

bank issuing currency sends banknotes to another bank, which has the same right of issuing currency. This transaction is the subject matter of an affidavit deposed by the competent official of the Reich Ministry of Finance, later on a member of the Reich Bank Directorate, by the name of Bayrhoffer, and you will find details in that affidavit.*

I would like to be permitted to refer to this affidavit because these measures just described by me were not measures which were personally handled by me. Those were not within the competency of the Reich Ministry of Economy, but much rather they were within the competency of the Reich Ministry of Finance.

JUDGE MAGUIRE: Well, Witness, suppose the United States had a hundred million dollars in paper money outstanding, and another country would take one-half of the United States, and then make the remaining half redeem all the hundred million dollars worth of currency. Would you say that is a regular transaction?

A. Your Honor, the example is rather extreme; nevertheless, I think I can explain the matter even for this example. Now, in the balance sheet of the National Bank of the United States the outstanding currency is a liability. This liability is owed to the people in possession of the currency. If any owner of such currency presents the bill of exchange to the bank it is forced to put this amount to the credit of the man. Now, if half of the inhabitants of the United States present their bills at the same time and want to put it to the credit of their account, either in a lump sum or in compiled amounts, this is that same transaction. And as long as they have not to pay it out in gold it doesn't make any difference to the National Bank of the United States. If they would have to pay it out some difficulty would arise.

Q. Yes. But paper currency, Witness, has eventually to be redeemed, that is, out of taxes or other funds which the issuing government gets, and where you deprive that issuing government of half of the wealth—its territory—then its means to reduce and to redeem that are cut in two, aren't they?

A. No, Your Honor, the national bank does not live on the wealth of the inhabitants. It has assets which cover the liabilities —in this case the National Bank of the United States would, in my opinion, find itself in the position of a limited share company that sells one of its branch plants and reduces the turnover by half. In this case it gets the amount paid for the plant and has now more means at its disposal than it needs for its

* Reference is made to an affidavit of Walter Bayrhoffer introduced by the prosecution as Document NID-14444, Prosecution Exhibit 1918, not reproduced herein. Bayrhoffer's further testimony concerning this affidavit is recorded in the mimeographed transcript, 2 June 1948. (Tr. pp. 7181-7200.)

regular business. Generally, then, it reduces the capital stock outstanding to bring it into a logical relation with the turn-over and the capacity of the business then. What the National Bank of Czechoslovakia, in this case, would have to do would have been the same thing. But, if I remember right, it was not treated as a regular business transaction, but this question was talked over in the International Committee, set up after the Munich Agreement, which has been mentioned in this Court repeatedly. And, as far as I remember, it was agreed upon that the Reich Bank or the Reich Minister of Finance would make arrangements with the National Bank for the manner in which this money would be used. This question came up after Munich because the Reich put in the claim that when taking over the Sudeten Gau it had a claim on the gold reserves of the National Bank in Prague in the percentage which corresponded to the territory it took over. This claim was denied by the National Bank in Prague and, if I remember right, the agreement made was that the amount would be put to the credit of the Reich with the National Bank in Prague; but, as I said before, the official in charge of handling these negotiations has put in an affidavit explaining the transaction. I mention it only now because this transaction is mentioned repeatedly in the documents. Perhaps my counsel could give the document number of the affidavit.

JUDGE MAGUIRE: Well, now, let me ask you this further question: Did the Reich get its percentage of gold reserves of the National Bank, and also retain its credit in that bank for the amount of korun that it turned into the bank for redemption?

DEFENDANT KEHRL: No, it did not receive the gold.

JUDGE MAGUIRE: It did not receive the gold?

DEFENDANT KEHRL: No, it put in the claim for the gold, but the agreement was that it would not receive the gold, but that it would receive the credit.

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DR. GRUBE: Witness, were economic problems for the Sudeten Gau tied up with special plenipotentiary powers? Did you have any authority to issue directives to the main departments and to the departments of the Reich Ministry of Economy in Berlin?

A. There were no powers delegated for the purpose, nor did I have any authority to issue directives. The assignment was made by an internal directive issued to the departments of the Ministry and the text was approximately along the following lines: "I have authorized the Generalreferent for Special Assignments to handle problems in the Ministry resulting from the economic incorporation of the Sudeten Gau. The responsible main departments, as well as the responsible departments of the Ministry,

are to call him in in connection with questions of special or basic significance pertaining to the Sudeten Gau." To call in, in accordance with the language used in the Ministry, implies that documents of this type are to be cosigned by him. If I refused my cosignature, the matter was submitted to the State Secretary for his decision. Any information to the outside world concerning this assignment was only to be given to the Reich Governor in the Sudeten Gau. He was notified that in questions of a general economic nature his deputy was to turn to me.

Therefore, in the main, in connection with this assignment, I am inclined to say that I had the function of an ambassador of the Reich Governor in the Reich Ministry of Economics. All wishes entertained by the Reich Governor were transmitted to me, and then the official handling the matter for me, Dr. Koester, transmitted them to the competent department within the Ministry. For those people of the Sudeten Gau who were not acquainted with the organization, it would have been a very difficult matter indeed to pick the proper officials and employees of the Reich Ministry among the approximately 2,000 employed by the Ministry, and always pick those who were actually competent for handling the matter. Even for us, internally, this was quite a complicated affair.

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Q. Before going into the individual details concerning Czechoslovakia I would like to ask you the following: How did you come to take up activity in the Protectorate?

A. On 15 March 1939 or possibly on the 16th—I am not quite sure which of the two—Reich Minister of Economics Funk called me and notified me, without having previously consulted me on the matter, that he had had to dispose of my person. He was aware, he said, it was true, that after the Austrian task he had promised not to use me any further outside of Berlin. I had asked for that for personal reasons of my own. However, he said he had not been able to do anything else in the matter. Goering had asked him to appoint a consultant for the Czech Minister of Commerce and I was to go to Prague in that capacity. He had no other official available who possessed the necessary perspective over and insight into such a task. However, he said this would only involve a few weeks.

Q. Did you receive any plenipotentiary powers?

A. No. I did not receive any powers, nor did I receive any single written authorization. When I went to Prague all I was given was an identification document as far as those officials were concerned who were in my company. I was the superior of the officials of the Reich Ministry of Economics who accompanied me

to Prague at the same time. There were approximately six to eight officials involved.

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Q. Witness, in connection with the negotiations between Dresdner Bank and Bebca, blocks of shares of the Erste Bruenner Waffenwerke and Poldihuette played a part. Are you able to tell us what these two enterprises are? Did you know it at the time?

A. Both of these enterprises were not even known to me at that time by their names but I came to know them very fast after the Munich Agreement, because as a result in the remaining part of Czechoslovakia the following situation arose. There were strong Czech circles who were of the opinion that as a result of our acquiring the Sudeten Gau, they had lost a large part of their area and the largest part of their German population. They now wanted to have the rest of Czechoslovakia really remain absolutely Czech. Now, there were still 500,000 Germans left in this remaining part of Czechoslovakia and quite a number of German firms were located there. That is to say firms which were owned by Germans, managed by Germans and used the German language. In Czechoslovakia we used to call it "in deutscher Agenda gefuehrt,"—they were "under German management." The translation is not quite complete, because "Agenda" is really an Austrian term and in the main it referred to the files—say the accounting system was German, the correspondence was German, the files were German, and so on. The chiefs and managers of these German firms were very anxious that particularly at that very period of time in which their comrades in the Sudeten Gau had become German, they might be made Czechs. And they were all the more afraid of this because most of these companies had strong debts with the banks. This applied particularly for the Erste Bruenner Maschinen. The chief of this company was a Mr. Hoedl. This Mr. Hoedl, at the same time, if I remember correctly, was vice president of the Verwaltungsrat of Bebca and he had debts there. Bebca, on their part, had debts, very heavy debts, with the Zivno and the Czech National Bank, and held share participations, particularly in the Erste Bruenner Machinen and in the Poldihuette, which they had pledged with these banks as guarantee for the debts incurred with them. You don't have to have a very lively imagination to know that it could very easily happen that these plants would actually have become Czech. Hoedl and a number of other Germans located in the remainder of Czechoslovakia, therefore, turned to Berlin, and they asked the Reich Ministry of Economics to take an interest in German sharehold-

ings in the balance of Czechoslovakia and to prevent that, particularly at that very period of time, after having been independent for 20 years, they were now going to fall into Czech hands. At the same time the Dresdner Bank was conducting negotiations with Bebca and they drew our attention to the existence of these blocks of shares and they notified us of the same facts of the case. Reich Minister of Economics Funk made an inquiry to Goering in the same matter and Goering told him, these blocks of shares of the Poldihuette and of the Erste Bruenner Maschinen, both I believe amounted to approximately 25 percent of the holdings, were to be acquired under trusteeship in behalf of the Reich and he would indicate the name of the person to acquire these shareholdings.

Q. Witness, when did this happen?

A. As far as I know this already started in October or November 1938 and the actual sale took place in February 1939, if I remember correctly. But that can be seen from the documents.

Q. Therefore before the Protectorate was established.

A. Yes.

Q. Did you have to make any decisions in connection with this matter?

A. Yes. For example I had to make the decision as to whether I considered it important enough to report it to the State Secretary. I did, of course. And I made the recommendation that he recommend these shares be purchased.

Q. Was any coercion used?

A. These negotiations were conducted exclusively by the Dresdner Bank and defendant Rasche will testify to the Tribunal on that matter.*

Q. Are you able to tell us anything concerning the prices that were agreed upon at the time?

A. Both blocks of shares were paid for at a price which lay considerably above the stock exchange quotations of the day. And this can also be seen from the prosecution documents. Later on, when these shares were taken over into the Hermann Goering Works, difficulties arose in that connection with the Reich Minister of Finance because he complained about the sale price and criticized it. In my opinion he had no right to criticize it.

Q. Apart from these blocks of shares in the possession of Bebca, were other shares acquired too?

A. Yes. In Germany, every German had the duty to offer to the Reich Bank any foreign exchange that he had in his possession. That referred to foreign exchange of all types, either cash, credits, or participation shares. After the Sudeten Gau had

* See extracts from the testimony of defendant Rasche, reproduced later in this section.

been incorporated into the Reich all foreign exchange assets in the Sudeten Gau were called up by the Reich Bank to be purchased by them in the same manner as had been done in the remaining Reich territory. Of course, very many Sudeten-Germans owned shares in Czech companies. The balance of Czechoslovakia was foreign country seen from the point of view of foreign exchange. Therefore shares owned by private people, shares in Czech firms, and any other foreign exchange assets as well, were called up and purchased by the Reich Bank, and among these assets there were also shares of the Erste Bruenner Machinen, of the Poldihuette, and also Skoda. These were later on taken over by the Dresdner Bank for account of the Reich. This happened between 1 October 1938 and the end of 1938, if I remember correctly.

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*CROSS-EXAMINATION**

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MR. ROCKLER: I want now to discuss the use of the Czech korun which were acquired from Sudeten holders in 1938. Now, this I think does concern us because this is the very money with which most of the industrial participations were acquired. Isn't it true that all persons holding korun in the Sudetenland were compelled by German law to transfer such korun to German agencies after Munich?

A. And change it into marks—that is correct.

Q. Right. And the German Government acquired these korun?

A. That is correct.

Q. Then isn't it true that the korun were transmitted to the Czech National Bank and their amount was credited to an account of the German Reich?

A. So I understand.

Q. Didn't the Czech National Bank act as an agent of the Czech Government in issuing these notes?

A. I am not familiar with the legal foundation of the National Bank in Prague.

Q. Well, I suppose it's much like any other national bank. Now, the notes of the Czech National Bank were the currency of the realm.

A. That is correct.

Q. When they issued the currency of the realm, weren't they acting as an agent of the Czech Government? That is really a

* During cross-examination defendant Kehrl testified in English. At the close of direct examination, counsel for defendant Kehrl requested that Kehrl be permitted to testify in English during cross-examination, a request which was agreed to by the prosecution and approved by the Tribunal. (Tr. pp. 16644–5.)

very simple question. I am not talking about agency in the legal sense. I am talking economically.

A. Economically, yes.

Q. Now, with the loss of the Sudetenland, didn't the Czech Governments lose a substantial part of the real assets on which such notes were issued? That is to say, the goods and services and going economic condition of the country, taken as an entirety?

A. Now the theory on which you base the value of the currency now has been much contested in the past and is so now. I didn't see it yet. In former years and certainly up until 1933, the value of every currency was supposed to depend on the amount of gold and foreign exchange held by the currency bank. The theory that the real foundation is the work and the production was brought out by the Third Reich and it was much contested by all economists, and it is contested now yet.

Q. In your opinion, Mr. Kehrl, isn't what I have just said true?

A. I beg your pardon?

Q. In your opinion isn't it true that this fiat money of the Czech Government had lost a good part of its underlying assets, in your opinion?

A. I personally would not say so. But that is an economic theory which is not authentic and is much contested.

Q. Well, you know that Czechoslovakia was pretty well off the gold standard in 1939, don't you? You must know that.

A. Yes. But they believed in the gold standard very much.

Q. But they weren't on the gold standard, were they?

A. Well, they were not able to keep it as most other countries.

Q. So that the value of their money was based on confidence, largely, confidence in the factors we have been naming.

A. No, I wouldn't say so and I don't think I could discuss it without having the balance sheet of the National Bank of Prague before me.

Q. All right. When the German Government took over all korun in the Sudetenland and presented them in Prague, wasn't it a purely internal obligation converted into an external and foreign claim?

A. That is absolutely correct. Now formerly—just a moment—formerly these notes could have been sold by the German Government in all European markets and the National Bank in Prague was very much afraid of that and therefore made the arrangement that an account would be opened for the German Government and that this account should not be used as foreign exchange but for purchases in Czechoslovakia. If I remember correctly that is my understanding at the moment.

Q. Well, if I may continue.

A. I beg your pardon.

Q. Wasn't this external and foreign claim approximately one-third to one-half of the entire currency issue of Czechoslovakia?

A. That I don't know.

Q. Well, you know that the currency of one-third of the population was picked up, roughly. Let's put it at the extreme. Let's say a fifth of the currency of the population was picked up.

A. That is about good.

Q. We'll have to lower that figure. We'll have to say that the claim represented approximately one-fifth of the currency issue of Czechoslovakia.

A. That may quite well be.

Q. At the same time, didn't the German Government acquire a part of the gold of the Czech National Bank?

A. I am not aware of that and I don't think so.

Q. Well, let me remind you.

A. I may be mistaken.

Q. Perhaps the concrete figures will refresh your memory. On 4 March 1939 weren't one billion five hundred million korun of gold transferred to Germany? The date was 4 March 1939.

A. I don't know. I never heard of it. I didn't even hear of that at that time.

Q. We will introduce evidence on that.

A. Oh, I don't contest it if you say so.

JUDGE MAGUIRE: Counsel, do you claim that the action in 1939 had any relation there to the severance of the Sudetenland in 1938?

MR. ROCKLER: Yes, Your Honor. Not to the severance of the Sudetenland, but to the purchases of goods and properties in Czechoslovakia.

JUDGE MAGUIRE: I am talking about this gold seizure.

MR. ROCKLER: The monies acquired by the use of the korun which were picked up in the Sudetenland and deposited at the Czech National Bank were used to pay for coal properties.

JUDGE MAGUIRE: Now just a moment. Your last question was whether the Reich didn't take a part of the gold reserve of the Czech National Bank in 1939. Does the prosecution claim that that act had any relation to the credits that it had gotten by reason of the transfer of the korun for the reichsmark in the Sudetenland?

MR. ROCKLER: Yes, Your Honor, because—

JUDGE MAGUIRE: That is what I wanted to find out.

MR. ROCKLER: Perhaps I had better make this clear. We are claiming that on any theory with which you look at this claim of the Germans in Czechoslovakia, in terms of korun, whether

you look upon it as being based on goods, or services, or the currency, as being based on gold; the Germans took both and then still presented the claim.

PRESIDING JUDGE CHRISTIANSON: Well, I presume you are not through on this particular subject.

MR. ROCKLER: Well I have, I believe, two questions or so but perhaps they had better wait until tomorrow. They may be very lengthy, Your Honor.

PRESIDING JUDGE CHRISTIANSON: Well, if I were sure you wouldn't think of a great many other angles on this thing during the night I'd let you finish those questions.

MR. ROCKLER: Very well, then perhaps we'd better go ahead.

PRESIDING JUDGE CHRISTIANSON: Well, I hesitate to take any chance on this being extended further than it has been. Go ahead. We will give you a couple of more questions on it.

MR. ROCKLER: Didn't the Germans also repudiate any responsibility for any part of the Czech National debt based on taking over the Sudetenland?

DEFENDANT KEHRL: I have no idea. I didn't have anything to do with it.

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Q. Mr. Kehrl, I was asking you yesterday whether, after the occupation of the Sudetenland, the Germans did not also repudiate any responsibility for a prorata share of the Czech national debt.

A. I told you that I didn't know.

Q. Wasn't this one of the questions which was decided at the sessions of the so-called International Commission, to which you have referred repeatedly?

A. I believe it was, but financial questions were, if I remember right, dealt with in subcommittees; there were all kinds of subcommittees. And I do not think that I attended a meeting where these problems were discussed.

Q. Wasn't there—

A. They were mentioned in the first meeting, if I remember right, and then there was a smaller circle handling these affairs.

Q. Wasn't there just one subcommittee devoted to economic questions?

A. I think so, yes.

Q. And you never heard of the outcome of this question?

A. I don't think I did.

Q. Very well. Let me ask you this, Witness. Suppose after Munich the Germans had taken over nineteen-twentieths of Czechoslovakia and merely left Prague and its environs in Czech hands as an independent state. Suppose they carried out the same

kind of currency conversion for nineteen-twentieths of Czechoslovakia. Is it your expert opinion that the Czech economy would not have been damaged by the presentation of a claim of approximately nineteen-twentieths of the national currency issued by the German Government as the holder of that currency? Isn't it true that about nineteen-twentieths of the goods and services of Prague, under those conditions, could be commandeered by the German Government?

A. If I got you correctly, these are quite a few number of questions. I will try to answer them briefly.

Q. Right.

A. Now, to correct the first part of the question, I do not claim to be an expert in currency matters and I did not say so. Nevertheless, I always try to have an opinion about matters of this sort, and in this extreme case which you described just now I don't think it would have been fair to make such a solution as you suggest.

* * * * * * *

Q. Didn't your conversations with Goering over German infiltration into Czechoslovakia take place after the Dresdner Bank had consulted with you and obtained your approval to acquire the BEB Main Bank [Bebca], the Poldihuette, and the Erste Bruenner?

A. That is correct.

* * * * * * *

Q. Let's turn to Skoda and Bruenner-Waffen. When you received the order of Goering and Funk to get Skoda and Bruenner-Waffen and Witkowitz, since, as you have said, you were not in the habit of acquiring enterprises, and since you disliked German infiltration into Czechoslovakia, why didn't you try to avoid this task?

A. I am very sorry, but I have to correct your question first.

Q. Please do.

A. Now, I never said that I disliked German infiltration into Czechoslovakia. I tried to explain that in Czechoslovakia there were both Czech and German firms and I testified to the effect that I thought that the present status should be sustained, the German firms should stay German and the Czech firms should stay Czech. That's what I said.

Q. Well, let's take it on that ground then, Mr. Kehrl. How was Skoda a German firm? Capital?

A. No. I testified to the effect that both Bruenner-Waffen and Skoda were not German. I said that Bruenner-Waffen never had been and that Skoda had been nationalized [nostrifiziert] in 1919.

Q. What about Witkowitz?

A. Witkowitz was, well, I'd say 60–75 percent German.

Q. In that 60 or 75 percent you count the Rothschild and Guttmann interests?

A. I don't go by shares. I go by the employees, the agenda, the workers, and so on, and the agenda especially. The Rothschilds were partly English and partly French, and partly Swiss. They were neither Czech nor German.

Q. All right. Let me come back to my original question now. Even under your definition of what was German infiltration or not, it seems to me that you have been saying these were the kinds of transactions you didn't like and furthermore, you weren't in the habit of acquiring enterprises. Why didn't you try to avoid this task?

A. There are two answers to that. The first is this: I did not have any misgivings against taking over a French capital participation in Skoda into German hands because if it wasn't of any damage to the Czech economy that France held 26 percent, there wouldn't be any damage done by Germany holding the same percentage, especially after this firm had been incorporated into the sphere of the Reich. Now, as to the Bruenner-Waffen, I testified to the effect that it produced armaments only and as there was no longer any Czech Army, it was only natural that in the future it would produce for the German Army, and therefore a German interest seemed to me quite sensible. As to the second part, as a matter of fact, I very much disliked to handle financial transactions because it wasn't really my business as a government official, and I wouldn't have come into it except by the whim of Goering who put my name into this authorization in which I had only put the name of Rasche.

Q. Let's take up some of that. Did the French ever put directors or managers into Skoda during the time when they had a participation in Skoda? Were there French directors and managers?

A. The French exercised a very great influence on Skoda and the Czech directors have told me repeatedly that—

Q. Witness, Witness—

A. —they liked very much better to work with us than they did with the French.

Q. Pardon me. I asked you a specific question. Did the French put in French directors or managers?

A. Well, to what kind of administration are you referring to now?

Q. This Skoda administration in the Verwaltungsrat, the management.

A. In the Verwaltungsrat there were representatives of the French concerns.

Q. Did they make up a majority of the Verwaltungsrat?

A. No, I don't think so.

Q. Was it a Czech who was president of the Verwaltungsrat, Romatko?

A. Yes, and a Czech was the president of the Verwaltungsrat at the time the German participation came about. It was Mr. Mastny, the last Ambassador of Czechoslovakia to Berlin. He had—

Q. You mean the Ambassador under Hacha's regime?

A. No, before Hacha's time.

Q. You say that about 15 or 16 March 1939 you went to Prague and made inquiries about these firms. To whom did you inquire?

A. I talked with Sadek and I talked with Rasche.

Q. Rasche?

A. That's correct.

Q. At that time the Czech State was not anxious to dispose of its properties, was it? They didn't want to see these properties transferred, did they?

A. I wouldn't say that they were exactly anxious.

Q. No, more than that. Didn't you say that they had already transferred some shares to private hands in order to avoid that very thing?

A. That's correct, yes.

Q. When you transmitted Goering's order to the Czech Minister of Commerce, Sadek, didn't you ask that they pass it on to Kalfus, the Minister of Finance, who must have decided on that issue?

A. No, not in the beginning, because I thought that Sadek had jurisdiction about it himself, because affairs of that kind in Germany were handled by the Reich Economics Ministry, and Sadek told me that he didn't have the jurisdiction and that Kalfus had it.

Q. And so then you asked it to be passed on?

A. That's right.

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Q. Did your connection with Skoda and Bruenner-Waffenwerke cease in 1939?

A. I beg your pardon?

Q. Did your connection with Skoda and Bruenner-Waffenwerke cease in 1939?

A. Yes, it did, officially; but Dr. Voss came sometimes to see me and asked my help or advice about matters of these concerns, but this was quite unofficially.

Q. Weren't you consulted about the capital of these companies in 1940?

A. I must correct my statement I made before, for the reason that I was a member of the Aufsichtsrat of the block-holding company, which held participations in Skoda and Bruenner-Waffen. I forgot this, as a matter of fact, because the Aufsichtsrat never met. I have been a member of that Aufsichtsrat officially, to the disillusionment of this block company.

Q. You didn't take part in winding up the Rasche-Kehrl Trusteeship in August 1940?

A. The Rasche-Kehrl Trusteeship wasn't wound up at the time yet. But I certainly took part. I took part as long as the trusteeship was wound up. That was my job, if I got one.

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TRANSLATION OF DOCUMENT RASCHE 3
RASCHE DEFENSE EXHIBIT 3

EXTRACTS FROM A WRITTEN STATEMENT BY DEFENDANT RASCHE ON HIS PERSONAL HISTORY, 4 AUGUST 1948

My name is Karl Rasche and I was born on 23 August 1892 at Iserlohn, a medium sized, prosperous Westphalian town of about 33–35,000 inhabitants. There I attended the grammar school from my sixth to my tenth year and afterward the high school.

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During the war 1914–1919 I was for most of the time at the western front in France, that is, the Argonne region, a war region which has become famous. In the meantime I was wounded, the radial muscle of my right arm was paralyzed and was only remedied in the course of years by systematic exercises. I made use of the time I spent in the hospital to write my doctor's thesis. When given leave from the front in 1917 I passed the oral examination for my doctor's degree. As a company commander of an assault troop company and chief of a divisional combat training school, I was by chance transferred to the eastern front and remained there during 1918 with various detachments, which also led me to the Baltic countries, and especially to Riga.

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In the beginning of 1919, immediately after being discharged from the Army, I again took up my training as Gerichtsreferendar at Hamm in Westphalia.

I then once more became an unpaid court official. In addition to this, I had married Elisabeth Lorscheid in January 1918—and apart from, this had to take care of my more intimate and wider family circles since the progressive inflation had devaluated our property considerably, it being for the major part invested in long term claims of various types bearing fixed interests.

In order to avoid economic hardships for my family at that time, temporarily I joined the exporters Hans Schroeder and Company for several years; the time for my training I cut short as far as possible and as early as in July 1928 I passed my second juridical examination. This made it possible for me to become a judge or an attorney at law. I turned down both applications and in answer to a call from my war time commander in the Argonne I joined a banking institution. This man had in the meantime become business proprietor of the Barmer Bankverein, one of the most important banking institutions in western Germany. With Dutch advice and support, this bank was established in 1867 as the third large banking institution in western Germany, being preceded by the establishments of the Darmstaedter Bank, and the A. Schaffhausen'schen Bankverein.

These three banks mentioned (Schaffhausen, Darmstaedter and Barmer Bankverein) were the sponsors—and partly set the pace for its development—of the economy and trade of western Germany, of the banks and industry of the Rhine and Ruhr, in the second half of the 19th century, while at that time the Berlin banks played no role at all in the west.

Besides my former commander in the Argonne there were also two Jewish gentlemen, Arioni and Bendix, who were proprietors of the firm, the legal department of which I joined.

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It was during this time that I first came into contact with Dr. Schacht, the former principal of the National Bank for Germany with which we had been engaged in business. When, at the end of 1923, he for the first time became president of the Reich Bank and Waehrungskommissar [Commissioner for currency questions], great economic difficulties had to be overcome which arose in connection with the insecure economic organization of the inflationary period and which became clearly evident as a result of the beginning deflation. There were even basically sound firms which, under the circumstances, became involved in financial difficulties and temporarily suspended payment. It became necessary for the banks to give assistance in the reorganization of their customers' concerns, in order to safeguard their own claims. This was a difficult task and a demand arose for people who were able and willing to devote themselves fully to

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this task. Experience in commercial law as well as in economy —and in that district also in export matters—was necessary; in addition to that, a personal knowledge of the country and people and also a strong power of discernment. It was just for these reasons that I was interested in such tasks and I may state that my arduous work in this field was fully appreciated by expert specialists, a fact which also had its effects with regard to my salary and position.

* * * * * * *

Nuernberg, 4 August 1948

[Signed] DR. KARL RASCHE

EXTRACTS FROM THE TESTIMONY OF THE DEFENDANT RASCHE[1]

DIRECT EXAMINATION

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DR. KUBUSCHOK (counsel for defendant Rasche): In order that the oral testimony of the witness Rasche may be expedited as much as possible, I have compiled a description of his personal and professional career in the form of a document. I have been promised that the translation of this document will be concluded today, and it will then be submitted to the Tribunal. The document to which I am referring is contained in Rasche defense document book 1, identified as Rasche Defense Exhibit 3.[2]

PRESIDING JUDGE CHRISTIANSON: No. 3, did you say?

DR. KUBUSCHOK: Yes, Your Honor, No. 3, contained in defense document book 1.

Witness, do you propose to incorporate that document into your testimony?

DEFENDANT RASCHE: Yes. In this description of my career I have dealt with my life history in rough outline, and I have left the individual items of the indictment, as well as reference to the individual prosecution documents, for discussion here.

PRESIDING JUDGE CHRISTIANSON: The document is in the form of an affidavit, I take it?

DR. KUBUSCHOK: Yes, Your Honor.

PRESIDING JUDGE CHRISTIANSON: Very well.

DR. KUBUSCHOK: Witness, referring to the year 1935, the prosecution has dealt with your entry on the staff of the Dresdner Bank in that year. In connection with this problem it is of interest to know the position that you held as a banker before you entered employment in the Dresdner Bank in 1935.

[1] Complete testimony is recorded in mimeographed transcript, 20, 23–27 August 1948; pages 17100–17209, 17425–17512, 17614–17717, 17899–17994, 18191–18314, and 18532–18540.

[2] Document Rasche 3, reproduced in part immediately above.

DEFENDANT RASCHE: After completing my academic and legal studies in 1921, 1 August of that year, I entered the Barmer Bankverein, which is a west German regional bank. I entered the bank on the recommendation of my old commander with whom I had fought in the Argonne during World War I. The bank in question is located in the west German and the northwest German area, which is an industrial area grouped around the Ruhr area. This industrial area also reaches over to the other bank of the Rhine. The bank maintained particularly close connection with the industry involved, but it also maintained excellent international connections with parties abroad, particularly so with Holland, where they had a subsidiary. In the main, this bank dealt with import and export financing and, with specific regard to import, it dealt mainly with the financing of raw material imports such as cotton, wool, and grain.

Q. What position did you have in the Barmer Bankverein?

A. I entered the Barmer Bankverein, particularly the Legal Department of that bank, but very soon I dealt with various other sectors of banking. Holding that duplex capacity, I was assigned, at a very early stage, to take care of recovery programs of firms and economic enterprises that had got into financial difficulties. As a result, I had to establish very close contact with economic circles of western Germany, and as a result also I very soon came into direct contact with the leading executive personalities of this area, which one can call the very heart of German economy. As a result of my activity there I very soon developed a sound career, and only a few years afterward I came to be director of this bank. Approximately for 8 years I was chief of three departments which had been merged into one and which would not normally be subordinated to one person. In 1930–1931 I had prospects of being the next candidate to be one of the bosses. In addition to that, I was in the Vorstand of a special bank which dealt, in the main, with the financing of foreign grain and fodder and similar items. This was the Rheinisch-Westfaelische-Getreidekreditbank in Duisburg, which is also located in the Rhineland. This bank handled the financing of such grain which came up the Rhine or the Dortmund-Ems Canal. In western Germany, prior to 1933, in the main, we ate foreign grain, we used foreign flour.

* * * * * * *

Q. How did you come to be a member of the Dresdner Bank?

A. In the summer of 1934 I came to south Germany on the occasion of a journey which I undertook to inspect the old historic towns of interest in this part of the country, and out of the blue, quite unexpectedly, I received a telegram to the effect that I was

to contact the deputy chairman of the Aufsichtsrat of the Westfalenbank as soon as possible. I did so. The man was August Rosteg. He was the chief of the German calcium industry you might say. He was the leading man in this sphere of work. In Berlin he had had a discussion with the Reich Bank directorate and the Reich Bank directorate had requested him to release me to become a member of the Dresdner Bank Vorstand. I say "to release me" because I was still under a long term contract with the bank, and it wasn't such a simple thing for me to recall it. Rosterg, as long as he lived, showed great benevolence and personal interest in me, and despite the fact that he didn't want to release me, as he told me, he did so in the end for two reasons. One reason was personal, because the sphere of work to be assigned to me was very large and of extraordinary interest, and the second reason was a certain egotism of the west German industry. It had always been a customary thing that the Berlin major banks would have deputies sent from west German circles who knew that part of the country particularly well, and thus he had certain interest once again to have a man sent from western Germany into the Vorstand of this major industrial group.

* * * * * * *

Q. Who appointed you to the function of deputy Vorstand member?

A. I was appointed deputy Vorstand member by the Aufsichtsrat and particularly by the Chairman of the Aufsichtsrat, this Mr. Fritz Andre whom I just mentioned a minute ago, and he had the legal authority to fill the appointment.

Q. When did you take up your new job?

A. 1 January 1935.

Q. Did you hear anything at that time to the effect that Mr. Keppler, too, had recommended you?

A. No. At that time I heard nothing to the effect that Keppler had had any part in my appointment. I heard nothing of it and I felt nothing of it. Neither Mr. Rosterg told me anything about this nor did anyone tell me about it in the office of Schacht. Neither Schacht himself nor his closest coworkers. Mr. Andre mentioned nothing to that effect either.

Q. But now it has been ascertained that Mr. Keppler is supposed to have spoken with Goetz concerning you as a candidate for the job. Didn't you have anything to do with Keppler?

A. Really I can answer this neither in the affirmative nor the negative. I really don't know it. I only knew Keppler from a certain activity that fell into the year 1934. I believe it was the first half of that year at which time I was still employed

by the Westfalenbank. At that time, for the purpose of discussing and regulating the over-all banking problems, President Schacht had instituted a so-called bank investigation, and this bank investigation served the purpose of putting a brake on the most extreme and fantastic claims of the politicians of the new government—that is of the National Socialist Party—in the bank sector. Schacht had been very skillful in the manner in which he proceeded, according to which he drew banking experts from all parts of Germany and gathered these in a big body and now he was going to discuss with these experts all the problems affecting the over-all bank crisis and the economic crisis, and in so doing he tried to show how ridiculous the most fantastic exponents among the politicians were, and this he was able to do.

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Q. Now I turn to the complex of Czechoslovakia. First of all, the Sudeten territory. The prosecution documents are in books 144–A–C. Oh, excuse me, there are only two books in English, A and B. In the Sudeten territory, after the Munich Agreement, the Dresdner Bank acquired branch offices. From what banks did it obtain branches?

A. From the Zivnostenska Bank in Prague, which we already dealt with in Vienna, it acquired four branches; and from the Bebca Bank in Prague it received a larger number of branches—I think more than 20—between 20 and 30, and then some other Laenderbank branches must have been acquired either by us or the Laenderbank, but I can't say that for certain. Of this large number of branches of the Bebca quite a number were closed down immediately. In the whole Sudeten territory, as a result of the competition on both sides between the Czechs and the Germans, between old banks and the newly established banks, there was a fairly high degree of overequipment [Uebersetzung]. They competed with each other, but for reasons of prestige, as they said, they were not inclined to close down any of them. Almost all, except for Zivnostenska, were more or less weak institutions. Some of them were very much in need of financial rehabilitation. I found that out once again when reading a document which the prosecution submitted without introducing it. In this the Laenderbank in Paris is dealing with the question of these many weak institutions. This rationalization was presented because it was not desired to diminish the number of banks for reasons of prestige, but it would have been better.

In order to characterize the extent in comparison with us, you may say that the whole business of the Sudeten territory was perhaps as big as that of one and a half of my big Rhenish branches. Certainly it didn't amount to more altogether. And

this in itself shows that it was an overstaffed [uebersetztes] business.

Q. Was the acquisition of these bank branches connected with the purchase of industrial enterprises or the shares of industrial enterprises?

A. Yes, when application was made to take over the branches in the Sudeten territory there was, in the case of Bebca, an inseparable connection with the acquisition of two share participations. If I am not mistaken, both amounted to 25 percent. One was Poldihuette, which has been repeatedly mentioned, and the other was the Erste Bruenner Maschinen Company, called Bruenner Maschinen for short. In close connection with the Zivno branches was the acquisition of the Sudeten coal interests by a group of capitalists led by the Zivnostenska Bank. Both matters in fact have already cropped up when Mr. Kehrl was testifying. It should be emphasized that coal interests had only a few months earlier been acquired by the Czech syndicate.

Q. First of all, I would like to turn to the deals with the Zivno. When and how did the Zivno negotiations come about?

A. Quite a short time after the Munich Agreement—and the first note is formulated in such a way that a visit must be made about 4 October—the president of the Zivnostenska Bank, Dr. Jaroslav Preiss, appeared for a visit to our chairman of the Aufsichtsrat, Mr. Goetz. At that time, Mr. Busch and myself attended the important conferences because both of us had already attended the Vienna conferences, as I said today. So, both by name and personally, we were known to a number of gentlemen of the Zivnostenska Bank, and Preiss, as president, was very well informed about the internal affairs of the Berlin banks.

Q. Can you give us more details about Preiss himself?

A. Herr Preiss was a particularly outstanding man in Czechoslovakian economy, not only because he was president of the Zivnostenska Bank. Even apart from that he had very extensive powers and very great influence on the Czechoslovakian economy, and I believe also in politics. He was on very good terms with almost all the Czech Ministers. Sometimes I even had the impression that he had, to some extent, been circumstantial in the making of Ministers because a number of his closer friends and associates became Ministers, or had been Ministers. During this time, we saw that his Secretary General in the Industrial Association of Czechoslovakia, Sadek went to the negotiations in Paris. And Herr Preiss was the president of this association. Later Sadek became Minister of Trade and Commerce. Kehrl has more than once talked about him in his testi-

mony. But that is not the only way in which I got the impression that Preiss had a very influential position. In very many administrations of the various companies he also played a part. If one wanted to know anything, including the history and the developments, and he really wanted to tell one, which was not always the case, one could not find a better source than Preiss. According to his own description he, as he told us, was during the first days of October accompanying the Czech Foreign Minister, who was to attend the repeatedly mentioned meetings of the International Commission, and he went in the capacity of economic adviser. In Mr. Dvoracek's* examination—he was his director general—the question came up if Herr Preiss had been intended to become president of the remnant of Czechoslovakia. Mr. Dvoracek denied that on cross-examination—perhaps he said he couldn't remember. But I remember that he told me that himself. That is what I have to say about Preiss as a man.

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Q. What business did Mr. Preiss discuss?

A. What lay nearest to his heart were his four branches. The four branches, according to what he told us at the time, were younger foundations and he has, to some extent, speculated on further political developments in Czechoslovakia—believing that gradually, in the Sudeten territory too, industry would grow more and more Czech. For this purpose he had set up four branches. He talked quite openly about the fact that these branches, as a purely Czech bank in a purely German area, under Reich German sovereignty, would hardly be likely to have very many clients. He also thought that such a business would be very difficult to maintain and survey from Prague, all the more since now there was a foreign currency barrier between; on the other side, there had been foreign currency control in Germany since 1931, since the big crisis; so he thought that there was not much hope left for him there for the future. He expected expenses and unpleasant liabilities, and bankers do not like such permanent risks. In fact, some bankers are in favor of always sticking to the principle of safety first. With this there was connected a second problem. He feared immediate solvency difficulties for his branches as a result of the incorporation of the Sudeten territory, which naturally also changed the currency value; that is, the currency in this area was now the reichsmark; so to look after his branches he would have had to exchange large sums from Czech korun into marks, in order to keep his branches solvent. He did not like that idea and he was trying to get

* Jan Dvoracek testified as a prosecution witness. His complete testimony is recorded in the mimeographed transcript, 10 and 11 June 1948; pages 8179–8206, 8218–8269, and 8453–8504.

along with as little money as he could. It turned out that he kept them very short. He had made salaries and everything available for a certain period but he needed new credits shortly. Now he wanted—and apart from the prosecution's documents I find confirmation of this in other documents, too, in Document 212—at that time he requested most urgently that we might send over some men who knew the country and the people and who could help his people with advice and, more especially with money, that is—reichsmarks.

Q. In this connection I would like to refer to Document NID–13402, Prosecution Exhibit 3073,[1] document book 144–A, page 275. That is a file note by von Luedinghausen about this discussion. I also refer to Document Rasche 212, Rasche Defense Exhibit 212,[2] in Rasche document book 4–B. This is a file note from managing board [Vorstand] member Busch, dated 5 October 1938. Witness, is it not very strange that at the very first purchase offer, Preiss asked for provisional financial assistance.

A. No. That is not surprising at all. If it had been a question of a unique deal between us, then a layman might think that he put himself in our hands, or something of the kind. But things like that don't occur in international business. We expected that we would have a lot of business with Zivno, and that is the sort of thing you usually do, as a businessman. A single deal is unimportant. What matters is permanent good connections. Preiss had already tried us once. In Vienna we had not behaved in such a way that he could not do that. Mr. Dvoracek in his testimony here dragged examples in, which really were no examples at all; but even he admitted that no real differences arose. Preiss had said even more and that too, can be seen, not only from documents submitted here, but from a number of teletypes which he sent to Vienna. He told us, and me personally, very often, that he had been very satisfied with all the developments. And so it is not surprising at all that he approached us here and asked us for advice. I think in this whole business, which was certainly most full of risks for him, we helped him with international tact and with utterly decent fairness. That is also shown by the fact that we never had any differences in all those years and no arbitration court was ever asked to decide between us.

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Q. Did you immediately make binding agreements with Mr. Preiss?

[1] Reproduced earlier in this section.
[2] The first document reproduced in this section.

A. No. As I have already hinted, that was impossible, because, for one thing, we had to check up the matter ourselves and could, therefore, agree only in principle. In addition we, contrary to a good many other countries—and this indeed is the key for the understanding of all these discussions here in this case—were tied to the controlled economy under which we simply were living in Germany. We could not ask, as Herr Kehrl said very nicely—"I am an adherent of the time before 1914." Yes, I am in favor of a free economy. But we did not have it. So we had to keep on getting approvals for all sorts of things and here again we needed two separate approvals, in fact even more, because we needed not only the German approvals but the Czechs had something similar, although today they won't have it that it was so, but it was like that. The National Bank had to give its approval and usually the Minister of Finance, as well.

Q. What were the two German approvals you needed?

A. On the one hand, in the case of Zivnostenska Bank, we had a foreign partner. So, if only in view of the foreign currency control, we required foreign currency permission. For the rest, however, after 1931 the government had established a so-called banking commissariat. The government of the time, which was not the Third Reich but the previous one, had been very proud of this banking commissariat, because they thought with the help of such a banking commissariat such crises could be avoided as had arisen in 1931. That that is a mistake need not be explained to anybody who has ever had any connection with economic affairs anywhere. The banking commissariat existed from those days and this had to approve any change in banking affairs. So for anywhere in the Reich—and the Sudetenland had now become Reich territory—we had to get the approval of this banking commissariat, and they took a great interest in these matters.

* * * * * * *

Q. What was the attitude of the Reich Minister of Economics and the banking authority to the intended deal?

A. The documents show that for a time everything was stopped, obviously in order to give them a chance to see the thing as a whole, but then all the agencies recognized the fact that Zivno itself had chosen us as its partner for the bank, and in that they saw the best guarantee of smooth negotiations.

Q. In the criticism of the negotiations at that time it has now been pointed out that the fact that such purchasing approvals were only given to the one side in the negotiations; the intended seller was at a disadvantage. These approvals were called "exclusive sale permissions."

A. Yes.

Q. Please explain whether this term is factually justified.

A. I think this expression "exclusive power to negotiate" is misleading. However, there were a number of countries which issued such exclusive powers or authorizations to negotiate. The severest restriction in this respect I found in Russia. There is only one possibility of negotiating there; but I never complained about what Russia was doing. If I had business there, I tried to negotiate there and I negotiated well, even with Russia. And in this case, it isn't true at all that there was only one person there. In this case there was a whole series of banks which might have been considered; and from the prosecution documents themselves, we have seen that all agencies of the Bebca negotiated with a number of German banks. I also knew from practice that if negotiations with one person were unsuccessful they were stopped and someone else would apply for permission. That happened repeatedly in these banking negotiations too, for instance: The Allgemeine Deutsche Kreditanstalt in Leipzig conducted negotiations which concerned a number of branches and could not be brought to any conclusion. You will remember that Mr. Noetzel* on cross-examination, didn't absolutely admit it outright, but he said "Yes, well, I dare say somebody else would have negotiated." But that was not the only case; there were a number of cases where, if the deal could not be concluded with one person, somebody else was let in on it. So you can certainly not say that there was only one partner apparently in the negotiations.

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Q. I now pass over to discussing the cooperation of Bruenner-Waffen. Your codefendant, Kehrl, has already discussed the Bruenner-Waffen in detail, and therefore we can confine ourselves to the technical banking sector in this transaction in which you had a part. This transaction is designated as being that of the group Kehrl-Rasche. It originates from a plenipotentiary power issued by Goering. Did Goering give you any plenipotentiary powers?

A. No. Goering personally gave me no plenipotentiary powers, but it was only in the connection outlined by Mr. Kehrl briefly previously. I did not know Mr. Goering, and I did not move in these high political circles. Mr. Kehrl has already testified that he suggested my name to Goering when they were looking for a banker to handle this transaction and to represent them in a purchase of shares, and he, as an official, did not desire to show up in that capacity, but he wanted to have a banker to handle it.

* Pavel Noetzel testified as a prosecution witness, his complete testimony is recorded in the mimeographed transcript, 2 July 1948, pages 10990–11031.

As far as the commissioner was concerned, Kehrl already testified that he liked to eliminate the commission involved because he was of the opinion that there was not much work involved in this transaction anyway.

I knew the tendencies of Kehrl and I did not approve of it at all. After all, the main thing was not a question of a lot of work or a little work, but whether a transaction is terminated or is not terminated, and very often it is cheaper to do it via the bank, and that was applied here, too. The prosecution introduced a document in which the prosecution, by error, speaks of a supporting syndicate or Stuetzungssyndikat, of Skoda shares, and charges Kehrl with this. This Stuetzgungssyndikat, or supporting syndicate, is symptomatic of the fluctuations that were prevailing at that time in rates of exchange. They had sagged very heavily—and at the time when (as can be seen in the documents) Schneider-Creusot and the big Montan firm and armament works, the French "Krupp"—when, as I said before, Schneider-Creusot sold their Skoda participation, the rate of exchange—and this is important—stood at 810. Also at the time when this supporting syndicate was actually concluded, and Kehrl acquired these shares without my having anything to do with them, even then the unofficial rate of exchange under discussion was 810; but referring to Document NID–9394, Prosecution Exhibit 3819,* introduced by the prosecution here under cross-examination of Kehrl, you all have seen that these rates of exchange were actually much higher. The low figure was 850 and the highest figure was 1125. The Bohemian banks therefore, fixed their prices very high to Kehrl, and I think it would have been cheaper for Kehrl to pay my 2 percent commission, but that is just an aside remark.

Q. Concerning that position of Skoda, Bruenner-Waffen, did you first of all take up negotiations after Kehrl had given you plenipotentiary powers in order to do so?

A. No. So to say, two parallel tracks were being pursued simultaneously, because at that period of time—I really should call it "during those hours"—I had held discussions and conferences with various people in Prague, including the director of the Boehmische Escompte Bank, where we had had no participation holdings yet at that time. The gentleman's name was Novotny, and he had drawn my attention to the fact that shares of the type as shown in this supporting syndicate were floating shares which had not yet been definitely placed, and he drew my attention to the fact that they were circulating, and he said that very probably the block of shares turned over from the Zivnostenska was still available in part, and that was a very interesting bank

* Reproduced earlier in this section.

transaction. They themselves did not have enough money, but if we were able to help them they felt it would be very nice indeed. I pursued this trend of thought and I ascertained, strangely enough, the open door leading into the Zivno, as well as into that firm that had the largest amount of Skoda shares in their hands, the Bruenner-Waffen; and I am speaking directly, particularly of the president of the firm, Outrata. He is the same man of whom I previously said that he became a member of the Bebca. This man was Czech, and a very clever man, too.

This Mr. Outrata came to see me because he had heard of this trend of thought being pursued, and he addressed me in connection with that, and he said he was himself interested, too, in acquiring German participation—that is, in his own company, the Bruenner-Waffen—and why was I proposing to buy Skoda shares; for if I were to buy Bruenner-Waffen shares instead, then at the same time I would be acquiring simultaneously Skoda shares in acquiring Bruenner-Waffen shares, because he still held the largest part of these Skoda shares which had been turned in by Schneider-Creusot, and he held them in his own company.

Approximately around the same time Kehrl showed up and he, on his part had been given the commission which he described in rendering testimony. I would have very much liked to have carried on in the field of private enterprise, but that would not do because I would never have secured the necessary license. Therefore, there was nothing for me to do but to accept Kehrl's order, as little profit as it presented to us. Then subsequent negotiations developed to such a stage that of the Bruenner-Waffen shares, 45 percent of the entire shares lay in the hands of the Czech State and Mr. Outrata, as well as the Zivno Bank with whom, needless to say, I had discussed the matter in great detail, as well as Kehrl. They all told me that as a matter of principle, the Czech State was willing to sell the shares which the Czech State still held at that time. Here again the intermediate organ of the two parties was my old business friend the Zivno, and I quite naturally went to them, and negotiated the matter in the same manner as I had previously negotiated many other matters with them. The negotiations themselves were very simple because it seemed that the Czech Ministerial Council had already approved the sale, and the sale price had also been determined, because according to information given by the Zivno—and I considered that information as being genuine—a short time before that, 35 percent had been sold by the State to a group which was managed by the Bruenner-Waffen. Therefore the company had accepted the commission to sell its own shares, and sold them in turn to various banks and friends. In Nuernberg a few months ago Dvoracek testified that

that was only a fictitious piece of business, and as many shares as possible were to have been placed in Czech circles, and that was the idea, but I did not bother about that, because what I was concerned with was to buy those which were really on the market, and they were the State-owned shares. What the Zivno was concerned about was to make it clear to me that I was to acquire these shares from the State. I accepted this without any further ado, and I spoke to Kehrl and discussed the matter with him. At first he had certain misgivings as to whether that was in conformity with the order he had been given, but I personally was of the opinion that we did not really need the actual majority quorum, and that we had actually achieved a lot with very little money, if we were to accept Outrata's and the Zivno's suggestion, because by doing so, we gained influence over the company of the Bruenner-Waffen as well as influence over the Skoda via Bruenner-Waffen, and we did so by a very small expenditure only, and I thought that very expedient.

Apart from that, all private persons involved—and that was what I was concerned about over and over, retaining all of their shares—nothing further was acquired by the government than what had already previously been held by the government.

On the contrary, the 35 percent owned by the Czech State had already been transferred into private hands via the Bruenner-Waffen. According to all of these, the Zivno's interest pursued the following. The Zivno was to acquire as large a share of the bank connections as possible, and I would like to be permitted to refer to this particularly: in the pool syndicate, or say through the pool contract, as I have said before, simultaneously the percentage of customers of the individual bank was determined, and that was done in the case of both of these companies. As far as the Bruenner-Waffen is concerned, the Zivno had a percentage of 33⅓ percent acquired for itself alone, whereas the contract read "of the banks" plural, "of the Kehrl-Rasche group." There were two of them. They, together, acquired only 33⅓ percent, and what was left after that went over to other banks in the Czech area, and it was distributed to them. As far as the Skoda works are concerned, the situation was a different one, again because in that instance the Zivno alone for themselves acquired 45 percent. Therefore, all I can say is that all these negotiations with the Zivno were conducted in an irreproachable manner, but Outrata, the Director General of the Bruenner-Waffen, had a very specific interest of his own, because what he was trying to do was —in a manner very similar to that practiced previously by the Poldihuette and the Erste Bruenner Maschinen—to establish cross connections with Germany after the Czech Army had ceased to

exist; therefore, he couldn't expect any further orders from it. As far as Skoda is concerned, the same situation applied, and the French connection which had brought in a lot of export business, not only for France, had terminated from that time when Schneider-Creusot had given up the interests that they held in the Skoda Works. All of this will demonstrate to a man familiar with the export business the very great interest that those firms entertained in being established with Germany. Outrata was very frank in stating so to me, and his speculation was the right one too, because subsequently we smoothed the way for him in many instances—and personally for him too—because afterwards he constructed entire machine gun plants in Britain in the summer of 1939. To fulfill these orders he went abroad, and we assisted him in doing so—not because we wanted him to do that, but because he had deceived us to a certain extent.

* * * * * * *

Q. In what manner were the seats in the Verwaltungsrat distributed in accordance with the provisions of the Bruenner-Waffen pool contract?

A. There were thirteen Verwaltungsrat mandates; and of these thirteen the so-called "Group Kehrl" held five seats; one seat was held by the Boehmische Escompte Bank, which, in connection with the entire matter, acted in the function of intermediator. At that time it had not become clear that the Boehmische Escompte Bank was going to be a majority holder; but around that time there was still another combination which saw the light of day. The sixth seat was held by Bebca, and the Czech members of the syndicate received seven Verwaltungsrat seats.

Q. What about the distribution of Verwaltungsrat seats in the case of Skoda?

A. In the case of Skoda the procedure was similar, except that there were 21 seats involved there, and in view of the stronger participation held by Bruenner-Waffen, we again holding the major participation, the Kehrl-Rasche Group was given nine seats, and BEB [Bebca] was given one seat; and the remaining eleven Verwaltungsrat seats were distributed to the Czech members.

Q. Defendant Kehrl, in testifying, has already referred to that joint luncheon that you had with the representatives of all shareholders at the Sramota Restaurant. Did you meet there at that time in order to conclude the acquisition of shares?

A. No, it wasn't really necessary to do that any more; those men who met there were representatives of a much wider circle. The sale of shares, after all, was transacted only between the Czechoslovak State—that is to say, between the Czech Finance Minister, Kalfus, on the one hand and myself on the other hand,

whereby I would like to emphasize the following: If you read Kalfus' testimony* properly you will find this in that testimony yourself; I myself never had any conferences with Kalfus, I didn't negotiate with him either. That was done by the Zivnostenska Bank, on their part. Therefore, so to speak, I only negotiated with the Zivnostenska Bank, and, in view of the fact that we had already had a preliminary discussion on the subject and the Zivnostenska Bank had all their desires complied with, the matter proceeded most expeditiously indeed. The invitation issued to appear in Sramota doesn't have to be testified to at this point. I will refer only to some portions of that meeting. The invitations were sent out by the Zivnostenska Bank because we had reached an agreement. They were sent out by President Preiss. Therefore, this was exclusively a social function, but it had nothing to do with me. We were to meet each other; that was the idea that lay behind it.

Q. Did the discrepancy of opinions arising between Herr Kehrl and President Preiss have anything to do with the pool contracts?

A. No, it had nothing to do with either. If you study the prosecution documents in this light, you will find that divulged, even in the prosecution documents. The discrepancy, as far as I was concerned, was absolutely erroneous, and it arose as a result of a discussion which these two gentlemen had concerning the general situation prevailing. Preiss always maintained certain somewhat strange statements and opinions of his own. I knew him in that respect; and I knew that in most cases there was a certain reason behind those statements. He was always following up a certain plan or pursuing a certain objective. In this instance the thing didn't turn out well because Kehrl was placed in a rather embarrassing situation by Preiss, and Kehrl left him standing there; for Dvoracek, the Director of the Zivnostenska Bank, as well as for himself, it wasn't a very pleasant thing because, after all, we were there to do business, not to quarrel. So we reconciled the two men, and the reconciliation took place very rapidly indeed, because Preiss was very sorry in not having shown himself to be a very pleasant host, and Dvoracek told him so, particularly—and Kehrl wasn't too much concerned. He showed a conciliatory spirit and in a very short time after that he was invited into the private apartment of Preiss, and he accepted the invitation which smoothed out everything, and the next result showed a proper calculation. That was a joint order given us, Preiss and me, to negotiate in Paris concerning the Witkowitz transaction. We will revert to that in due course.

* Reference is made to an affidavit of Dr. Josef Kalfus, Document NI-11867, Prosecution Exhibit 3130, not reproduced herein.

Q. Referring to the testimony of witness Kehrl, we have already heard that you, jointly with Preiss, received plenipotentiary powers to negotiate with the owners of the Vitkovice mining shares [Witkowitzer Kuxe]. First of all, be good enough to give us a brief survey of ownership conditions in the Witkowitz [Company].

JUDGE MAGUIRE: Before the witness starts on that, I would like to ask him one question: I didn't quite understand what you said about this Director General of Bruenner-Waffen. Outrata was the name?

DEFENDANT RASCHE: No, Your Honor, Bruenner-Waffen.

JUDGE MAGUIRE: Bruenner-Waffen, yes.

WITNESS RASCHE: Outrata, O-U-T-R-A-T-A, Your Honor.

JUDGE MAGUIRE: Yes. Well, did I understand that he got your help to go to England and deceived you as to the purpose for which he went?

DEFENDANT RASCHE: Well, Your Honor, I really wasn't going to testify on this subject, because it really was a private matter, referring to Outrata himself. For a few months he collaborated very closely with us and then he told us that his wife had taken ill and that it was necessary for her to undergo an operation by an English surgeon. Outrata requested us at that time to see to it that he would be permitted to leave the country in his wife's company. Apart from that, at the same time he desired to combine this visit in order to negotiate business affairs between Bruenner-Waffen and the British Army. The British Army introduced the Bruenner-Waffen machine gun, and he used this opportunity to undertake this visit. His wife underwent medical treatment, and neither of them ever returned. One of our men, Mr. von Luedinghausen, went along with them. His name has been mentioned previously too. He, as I said, went along with them, but it wasn't possible for him to induce either of them to return.

JUDGE MAGUIRE: When was that?

DEFENDANT RASCHE: It was in June or July of 1939, Your Honor.

JUDGE MAGUIRE: Well, isn't it rather remarkable that the gentlemen who were so anxious to have German participations in the Skoda Works and in the Bruenner-Waffen Works should have—a few months after the matter was closed—got to England and refused to come back?

DEFENDANT RASCHE: No, Your Honor, it's not at all remarkable. He did want to come back, but his wife didn't want to come back, and sometimes the ladies are more obstinate than the men and, therefore, their decisions prevail.

JUDGE MAGUIRE: Well, that's an answer.

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CROSS-EXAMINATION

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MR. ROCKLER: Mr. Rasche, I would like to talk a little bit about the initial negotiations for Bruenner-Waffen and Skoda. Did I understand you correctly that Outrata made the initial approach to you about Bruenner-Waffen shares?

DEFENDANT RASCHE: Outrata, along with Luedinghausen, I believe. First we talked about Skoda, and then he made the counterproposal regarding Bruenner-Waffen.

Q. And this was because Mr. Outrata wanted to establish "cross connections" between Czech and German industry?

A. Yes. Particularly arranging for the placing of orders.

Q. Now, Mr. Outrata then went to England, didn't he?

A. I already said that he went to England and that his wife, probably because she was afraid of war, didn't want to return.

Q. Now, Mr. Rasche, didn't you omit one significant fact about Mr. Outrata? When he went to England, didn't you shortly thereafter find out that he became a Minister in the Benes Cabinet? That he became Minister of Economics [Minister of Finance] in Benes' Cabinet?

A. That happened later.

Q. How much later?

A. That is undoubtedly correct, but I found out about it much later.

Q. And you think he stayed there because his wife liked the English climate?

A. I never said that; I just this minute said that it is my opinion that she was afraid of the war, because everybody then had war jitters.

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C. Poland

I. CONTEMPORANEOUS DOCUMENTS

TRANSLATION OF DOCUMENT EC–410
PROSECUTION EXHIBIT 1286

GOERING DIRECTIVE TO REICH MINISTERS, DIVISIONS AND PLENIPOTENTIARIES GENERAL OF THE FOUR YEAR PLAN, 19 OCTOBER 1939, CONCERNING "ECONOMIC ADMINISTRATION" IN THE "INCORPORATED" PART OF POLAND AND IN THE GOVERNMENT GENERAL, AND THE TASK OF MAIN TRUSTEE OFFICE EAST WITH RESPECT TO POLISH PROPERTY[1]

Copy

[Handwritten] Enclosure 10

Minister President Field Marshal Goering
Deputy for the Four Year Plan, Chairman of the Counsel of Ministers for the Defense of the Reich

St. M. Dev. 9547 — Berlin, W 8, 19 October 1939
Leipziger Str. 3

To: The Reich Ministers, Divisions and Plenipotentiaries General[2] of the Four Year Plan

During the session of 13 October, I issued detailed directives for the economic administration of the occupied territories. I want to recapitulate them briefly as follows:

1. The *task* for the economic treatment of the various administrative regions *is different*, depending on whether the country is involved which will be incorporated politically into the German Reich, or whether we will deal with the Government General, which in all probability will not be made a part of Germany. In the *first mentioned territories, the reconstruction*, development, and safeguarding *of all their productive facilities* and supplies must be aimed at, as well as a complete incorporation into the greater German economic system, at the earliest possible time. On the other hand, there must be removed *from the territories of the Government General all raw materials, scrap materials, machines*, etc., which are of use for the German war economy. *Enterprises* which are not absolutely necessary for the meager maintenance

[1] A part of Document EC–410 was introduced in evidence in the IMT trial as Exhibit USA–298 and the German text of this part is reproduced in Trial of the Major War Criminals, volume XXXVI, pages 482 and 483.

[2] Concerning the functions of the Plenipotentiaries General of the Four Year Plan, see Goering's directive of 15 July 1938, Document EC–278, Prosecution Exhibit 3768, and the extracts from the testimony of defendant Koerner, reproduced in section VI B, Volume XII.

of the bare existence [notduerftige Aufrechterhaltung] of the population must be *transferred to Germany* [nach Deutschland ueberfuehrt], unless such transfer would require an unreasonably long period of time, and would make it more practicable to exploit those enterprises by giving them German orders, to be executed at their present location. (Compare also enclosure 2 of the decree of the High Command of the Armed Forces, dated 9 October 1939, No. 1927/39 secret.)

2. The fact that all the territories have formed up to now a homogeneous economic area with manifold mutual obligations, makes necessary a coordinated supervision which under the present circumstances can only be exercised from Berlin, in spite of the different kind of political treatment.

3. In my decree, dated 28 September 1939—St. M. Dev. 8924/39—I have already reserved that coordinated supervision for myself. I also reserve to myself under the newly regulated circumstances not only the right to issue general directives, but also to a large extent the right to issue special decrees in the economic field.

4. In order to exploit the territories—and especially those to be incorporated in the Reich—in the best way for the achievement of the Fuehrer's goal, the property in real estate, plants, mobile objects, and the rights taken out of Polish hands must be safeguarded and administered in a coordinated way. For that purpose I have founded a *Main Trustee Office East* [Haupttreuhandstelle Ost] which is directly and personally under me and the duties of which are as follows:

a. The seizure of the property of the Polish State within the territories occupied by German troops and the safeguarding of an orderly administration; the same applies to Polish and Jewish private property;

b. The regulation of the financial and bank problems according to further directives from the Reich Ministry of Economics;

c. The regulation of all economic measures which are necessary for the transfer of the economic direction to the various administrative territories and the settlement of all necessary disputes and accounts;

d. The preparation for an eventually necessary dispute with creditors of foreign nationality.

e. The Main Trustee Office East, with headquarters in Berlin as well as with Reich Minister Frank,* will establish Trustee Offices for the individual administrative regions immediately subordinated to it. The Trustee Offices shall always keep the ad-

* Hans Frank, Reich Minister and Governor General, had his offices at the seat of the Government General in Krakow, Poland.

ministrative head of their administrative region informed about their activity.

f. In the future, confiscations may be decreed only by the Main Trustee Office East, with the concurrence of the administrative heads concerned, or with the concurrence of the Governor General (supreme administrative head). Confiscations previously carried through by local agencies will remain effective only if confirmed by the Main Trustee Office East. If no confirmation has been expressed by 1 February 1940, the confiscation becomes void.

The Main Trustee Office may appoint provisional managers [kommissarische Verwalter] to manage businesses or property of any kind. If other agencies have already appointed managers, the Main Trustee Office can recall them and impose different administrators. Managers must have their balance sheets approved by the Main Trustee Office East.

The Main Trustee Office East may transfer its functions to a local trustee office.

Requisitions by the army, and utilization of real estate, furnishing, etc., for the direct needs of the civilian administration are not affected thereby.

g. The Main Trustee Office East may issue administrative regulations to carry out its tasks. General ordinances must be published in the official journals of the administrative regions to become effective.

h. The Mayor Winkler (retired), has been entrusted by me with the establishment and provisional management of the Main Trustee Office East.

5. As I have already stated in the meeting of 13 October, I expect the fullest support of the measures carried out by the Main Trustee Office and the Trustee Offices from the heads of the administrative regions. The Main Trustee Office East will be in a position to complete its activity in individual administrative regions more rapidly to the extent that this support is granted without friction. Any wild confiscation, and any profiteering of individuals will be prosecuted in accordance with general penal laws and the laws of war. The essential point is that Polish property liable to confiscation shall be utilized in the interests of the Reich, that is, of the community, but not for the benefit of individuals.

Signed: GOERING

Distribution:

a. Reich Minister Frank
b. Gauleiter Forster
c. Oberpraesident and Gauleiter Koch

d. Oberpraesident and Gauleiter Wagner, Breslau
e. Senate Praesident Greiser, Poznan

Copy is transmitted herewith for your information and action

Signed: GOERING

Authenticated.

STRANDMANN
Adm. Secretary

PARTIAL TRANSLATION OF DOCUMENT 1707-PS*
PROSECUTION EXHIBIT 2160

HIMMLER LETTER, 10 NOVEMBER 1939, CONCERNING USE OF POLICE AGENCIES IN CARRYING OUT POLISH PROPERTY CONFISCATIONS DIRECTED BY MAIN TRUSTEE OFFICE EAST, AND LETTER OF DEFENDANT STUCKART TO REICH MINISTERS, 5 JANUARY 1940, REQUESTING THEM TO GIVE THE CHIEF OF MAIN TRUSTEE OFFICE EAST AN OPPORTUNITY TO COMMENT ON PROSPECTIVE LEGISLATION AFFECTING HIS OFFICE

I. Himmler's letter of 10 November 1939

[Handwritten] RK 28274R 11 November 1939 Will—Kri-Fi-Kill

Berlin, 10 November 1939

The Reich Leader SS and Chief of the German Police
The Reich Commissioner for the Strengthening of Germanism
SIV1 No. 886/39—176

[Handwritten] 1. To be submitted to the Reich Minister for his information. [Initial] L. [Lammers].
[Initial] K. [Kritzinger]
11 November

2. Herr Killy [Illegible initials]
Herr Ficker
For information

3. To the files [Initial] W. [Willuhn]
13 November
[Initial] K. [Kritzinger]
13 November
[Initial] F. [Ficker]
14 November
[Handwritten] RK 554 B *40*

[Handwritten] Submit after one week. [Initial] W. [Willuhn]
14 November

To—

a. Supreme Reich Authorities, the Reich Protector in Bohemia and Moravia, and the Governor General in Krakow
b. The Reich Commissioners
c. Laender governments
d. Provincial Presidents and Government Presidents
e. Higher SS and Police leaders

[Handwritten] To the files [Initial] W. [Willuhn]

* This document contained a number of directives and letters concerning the Main Trustee Office East which are not reproduced herein. However, one of the directives contained in this document, a Goering decree of 19 October 1939, is reproduced immediately above as Document EC-410, Prosecution Exhibit 1286.

22 November

Subject: Cooperation of the authorities of the Reich Leader SS with the Main Trustee Office East

In agreement with the leader of the Main Trustee Office East, Burgomaster (retired) Dr. Max Winkler, I report the following:

1. In the interest of a unified directing and transfer of the economy to the areas of former Poland and the occupied Polish territories which have become part of the German Reich, Field Marshal Goering, as chairman of the Ministerial Council for the Defense of the Reich and Plenipotentiary for the Four Year Plan, has founded the Main Trustee Office East, which is directly subordinate to him, by a decree 19 October 1939 and has appointed the Burgomaster (retired) Dr. Max Winkler as its director.

[Handwritten] RK 27076 B,[39] RK 27856 B.[39]

The Main Trustee Office East is located in Berlin (at present Berlin NW 87, Brueckenallee 3; from the middle of November, Berlin W 9, Potsdamer Str. 28) as well as in Krakow at the office of the Governor General for the occupied Polish territories. Trustee Offices which are immediately subordinate to it are being founded in—

[Handwritten illegible notes]

Danzig for the Reichs gau Danzig-West Prussia
Poznan for the Reichs gau Poznan
Ciechanow for the Government District Ciechanow
Katowice for the Government District Katowice
Warsaw for the districts Warsaw and Lublin

2. The Main Trustee Office East and its Trustee Offices, in *executing confiscations*—the right of confiscation is conferred upon them by the decree mentioned at the beginning—will make use of the authorities, organs and institutions of the Reich Leader SS and Chief of the German Police, or the organs established by him in the occupied Polish territories. Seizure and confiscation of *agricultural property* (including subsidiary agricultural undertakings) of Poles or Jews, takes place exclusively through the Reich Leader SS as Reich Commissioner for the Strengthening of Germanism, if necessary in agreement with the participating Reich authorities.

3. The confiscation of the *property of the Polish State* will be decreed and regulated by a special order of the Ministerial Counsel for the Defense of the Reich. If the confiscation concerns agricultural property (including subsidiary agricultural undertakings), it is administered and used by the Main Trustee Office East according to directive of the Reich Leader SS who makes the necessary contact with the Reich Minister for Food

and Agriculture. He may also demand that the Main Trustee Office East insofar transfer its authority to offices to be founded by him. This regulation does not affect the Forest Survey through the Reich Forestry Office and its subordinate authorities.

4. The Reich Leader SS and Chief of the German Police will requisition *other property of Poles or Jews* upon request of the Main Trustee Office East for the account of the German Reich and upon special request will also confiscate it. The seizure of this property is the affair of the Main Trustee Office East.

[Handwritten] 124F9

5. The Reich Leader SS and Chief of the German Police transfers liaison directors of the competent Higher SS and Police Leader according to need of the above-named Trustee Offices.

At the Main Trustee Office East a plenipotentiary (SS Lieutenant Colonel Galke) is appointed for regulating all the questions resulting from the cooperation of the Reich Leader SS and the Main Trustee Office East, who is at the same time liaison director for all authorities, organs and institutions of the Reich Leader SS.

He is stationed at the Berlin Office.

I stress the importance of having all authorities and office leaders cooperate most closely with the Main Trustee Office East of the chairman of the Ministerial Council for the Defense of the Reich and Deputy for the Four Year Plan.

[Signed] H. HIMMLER

2. Letter of defendant Stuckart, 5 January 1940

[Handwritten] RK 554B [Stamp] 9 January 1940
[Handwritten] Will-Kri-Fi
[Handwritten] 2 corrections [Initial] F. [Ficker]

11 January

Berlin, 5 January 1940
NW 40, Koenigsplatz 6
Telephone: [Initial] K [Kritzinger]
Dept. Z, I, II, V, VIII: 110027
III, IV, VI Unter den
Linden 72: 12 00 34
Telegraph Address: Reich
Minister of the Interior

[Handwritten]
RK 27076B 14
RK 27856B 14 } 14
RK 28274B 14

The Reich Minister of the Interior
No. 1 East 1119/39
4071
[Handwritten] to the files. [Initial] W. [Willuhn]
To the Reich Ministers:

[Illegible initials]

Subject: Main Trustee Office East

The director of the Main Trustee Office East has expressed the wish to me that before laws, decrees, or other legal provisions are issued by which the tasks of an office are affected, the Main Trustee Office East be given opportunity for comment. The duties of the Main Trustee Office East are established by the letter of the Minister President Field Marshal Goering, Plenipotentiary for the Four Year Plan and chairman of the Ministerial Council for the Defense of the Reich, dated 19 October 1939—St. M. Dev. 9547.*

In the interest of the unified execution of possible legislative measures, I ask that the wish of the Main Trustee Office East be taken into consideration.

AS DEPUTY: [Stamp] RK 3582B

[Signed] DR. STUCKART

[Illegible handwriting] [Handwritten] 124F11

* Document EC-410, Prosecution Exhibit 1286, reproduced earlier in this section.

TRANSLATION OF DOCUMENT NG-5251
PROSECUTION EXHIBIT 3922

MEMORANDUM BY BAYRHOFFER, OF REICH FINANCE MINISTRY, 18 JANUARY 1940, CONCERNING AGREEMENT TO TRANSFER "BOOTY FUNDS" TO THE REICH FINANCE MAIN OFFICE, AND INCLUDING COPIES OF HIS LETTERS TO ARMED FORCES HIGH COMMAND AND REICH FINANCE MAIN OFFICE ON THE SAME SUBJECT

Copy

The Reich Minister of Finance Berlin W 8, 18 January 1940
A 2004—27 Gen. B. Wilhelmplatz 1–2

Note

The following was arranged at the conference held on 29 November 1939, in agreement with the OKW, OKH, and OKM—the Ministry of Aviation was not represented. As a matter of principle—

All "Booty funds" [Beutegelder] will be passed on to the Reich Finance Main Office [Reichshauptkasse].

a. Captured zlotys—coins and banknotes—will be surrendered by the Armed Forces finance offices [Wehrmachtskassen] to the Main Administrative Office of the Reich Credit Bank at Krakow which will credit the sums surrendered to the *Finance Field Office* [Feldkasse] *Krakow*. The Finance Field Office Krakow will use these credits as reinforcements of their cash on hand, about which, however—in order to avoid confusion with the regular money withdrawals—it may not dispose through green checks, but only through special receipts. The increased amounts of cash on hand withdrawn in this way through receipts will be accounted for to the Reich Finance Main Office in the itemized balance sheets of the Finance Field Office Krakow and Military Accounting Office XVII.

b. Captured or seized securities, savings-bank books, shares, etc., will be handed over by the Armed Forces finance offices to the Reich Finance Main Office for safe-keeping or utilization.

c. On the treatment of captured or seized currency other than that described above, the High Command of the Army will issue a special regulation in the course of the next days, in collaboration with the Reich Ministry of Finance. It is intended that the Armed Forces finance offices pass on such currency, in the shortest way possible, to the nearest Reich Bank Office which will have to transfer the equivalent to the Reich Finance Main Office to be placed into a deposit account [Verwahrkonto].

The captured and seized funds surrendered to the Reich Bank Offices by the various finance offices of the Armed Forces—Polish banknotes and coins—will then be sent by the Reich Bank (compare A 2004—27 Gen. B.) to the Main Administrative Office of the Reich Credit Office [Reichskreditkasse] at Krakow, at the disposal of the Finance Field Office Krakow.

No further action, therefore, need be taken at this end with respect to the incoming money—A 2004–11, 13, 26, 27 Gen. B.

Subject: Treatment of captured funds and securities as well as cash on hand in Polish currency

In answer to your letter of 1 December 1939—35 n 19—4050/39 WH (I).

With reference to the conference of 29 November 1939, I hereby confirm that captured or seized funds, etc., irrespective whether the equivalent of Polish notes or coins or other currencies are concerned, will first have to be paid into special deposit accounts at the Reich Finance Main Office. Captured or seized securities I also beg to surrender to the Reich Finance Main Office which will take these securities into deposit and—as far as possible—will make available to the same deposit account the proceeds from any sales.

I beg that, in the interest of a uniform treatment, the same procedure be followed for the High Command of the Navy and for the Air Force.

Please notify me about measures you have taken.

BY ORDER:

Signed: BAYRHOFFER

To the High Command of the Armed Forces in Berlin W 35

I am sending copy with reference to the conference of 29 November 1939 at the OKW for information.

BY ORDER:

Signed: BAYRHOFFER

The Reich Finance Main Office, Berlin

L. S.

Certified.

Signature
Ministerialkanzleisekretaer

TRANSLATION OF DOCUMENT 1375–PS
PROSECUTION EXHIBIT 2528

DIRECTIVE OF FRANK, COMMISSIONER FOR THE FOUR YEAR PLAN IN THE GOVERNMENT GENERAL, 25 JANUARY 1940, CONCERNING THE EXECUTION OF THE TASK OF PLACING THE ECONOMIC STRENGTH OF THE GOVERNMENT GENERAL WITHIN THE FRAMEWORK OF THE FOUR YEAR PLAN

Castle Krakow, 25 January 1940

Minister President Field Marshal Goering
Plenipotentiary for the Four Year Plan
The Commissioner General for the Government General Poland

Strictly Confidential

GB 1/40

To the Director of the Office for the Four Year Plan
Brigadier General Buehrmann or his Deputy, Krakow
Lenartovicza 13

For the execution of the task of systematically placing the economic strength of the Government General within the framework of the Four Year Plan, in the service of the German defense industry, I give the following directives:

1. In view of the present requirements of the Reich for the defense industry, it is at present fundamentally impossible to carry on a long-term economic policy in the Government General. Rather, it is necessary so to steer the economy of the Government General that it will, in the shortest possible time, accomplish results representing the maximum that can be gotten out of the economic strength of the Government General for the immediate strengthening of our capacity for defense.

2. In particular the following performances are expected of the total economy of the Government General:

a. Intensification of agricultural production, especially in the larger farms (above 100 ha.), and a planned distribution of the foodstuffs to be requisitioned in order to fill the requirements of the troops, units, and service agencies, as well as of the native population, which are not yet fully covered by the present production.

b. Fullest exploitation of the forests, in temporary disregard of forest conservation principles, so as to deliver to the Reich approximately 1 million fm sawmill lumber, 12 million fm of mine timber, and up to 0.4 million rm of fiber wood.

c. Stepping-up of the raw material production in the industrial sector, in particular: in the extraction of iron ores and pyrites,

in order to cover the local needs of the smelting plants operated in the Government General; in petroleum extraction, in order to cover the militarily most important requirements of the Government and to export the greatest possible quantities to the Reich; in the chemical industry (nitrogen, phosphate), to provide for the fertilizer requirements of agriculture in so far as they can be covered in the Government General.

d. Exploitation, if necessary also partial expansion, of the industrial capacity existing in the Government General, in order to *execute* as rapidly as possible the Wehrmacht orders to be placed by the Reich in the Government General while maintaining production of those products which are absolutely vital for the running of the economic machinery in the Government General, even if the strictest standards are applied.

e. Maintenance of the productive capacity of those plants to which Wehrmacht orders have not yet been assigned but which are chosen as replacement plants [Ausweichbetriebe] for militarily vital factories which have been or will be evacuated in the Reich.

f. Stripping and scrapping [Ausschlachtung und Verschrottung] of those plants which have neither been made into armament plants nor declared to be replacement plants, as well as of destroyed buildings.

g. Supply and transportation of at least 1 million male and female agricultural and industrial workers to the Reich—among them at least 7500 000 [sic] agricultural workers of which at least 50 percent must be women—in order to guarantee agricultural production in the Reich and as a replacement for industrial workers lacking in the Reich.

3. In order to attain the expected performances, precision is to be made:

a. That the organizational measures for increasing agricultural production and for the building up of the live stock, extraordinarily depleted by the war, are implemented by the insurance of the seed and fertilizer supply—if necessary by imports from the Reich; by sufficient supplies of agricultural machinery from local production in the Government General; by a planned development of the water economy which should be simultaneously designed for the requirements of the waterways and of the power supply.

b. That all uneconomic consumption of wood be avoided and that the shipment of the quantities to be delivered to the Reich is insured.

c. That within the framework of the stepping-up of the industrial raw material production the following are guaranteed: finan-

cing through the most extensive possible utilization of the credit system existing in the Government General; procurement of the necessary mining and drilling equipment, the supplying of the workers with the food and articles of clothing absolutely essential for the maintenance of their full efficiency; the shipment, especially of mineral oil, to the Reich.

d. That in engaging the industrial capacity of the Government General with armament orders from the Reich, the following be coordinated: nature and volume of the orders, location and capacity of the plants, raw material requirements and coverage—the latter as far as possible out of raw material stocks existing in the Government General; requirements and provisioning of workers, means of transport for delivery of materials and dispatch of finished products; prefinancing of wages in the Government General and transfer of the proceeds from the Reich.

e. That exact investigations be made in order to determine the plants which are either required for filling the armament orders or continue to work for the supplying of the Government General with absolutely vital goods, or are being maintained as replacement plants, or are to be stripped and scrapped; and that the putting into operation or continued operation of the plants be uniformly regulated and made subject to permit.

f. That in order to insure the necessary supply [Einsatz] of Polish workers in the Reich, the labor offices harmonize the recruiting with the labor requirements in the Government General; that the shipment will take place early enough to be completed in the course of April; that the transfer of savings be regulated of those workers who came to the Reich merely as migratory workers.

4. For the uniform orientation of the total economy of the Government General towards the tasks now to be accomplished, the following additional measures are to be taken:

a. In the food supply of the population it must, under all circumstances, be seen to it that the persons working in plants vital to life and armaments will maintain their efficiency, while the rest of the population will have to remain restricted to a minimum ration as long as the food shortage lasts.

b. Any production which, on the basis of raw materials important for armament, is directed toward objects which in the framework of the present plan are not vital, is to be ruthlessly discontinued so far as it will not be possible to switch it over to sufficiently abundant Ersatz materials and other materials (e.g., by producing wooden shoes while simultaneously prohibiting the production of leather shoes and boots for the native population). For the rest, all raw material saving decrees, prohibitions of pro-

duction and shipment, and orders valid in the Reich are to be carried through in the Government General at least to the same degree as is done in the Reich.

c. The shipment of raw materials to the Reich is to be limited to those amounts not absolutely needed in the Government General to guarantee militarily vital production. The right of disposing of the stocks of raw materials, half-finished, and finished goods in the Government General is reserved to your service agency. For the better regulation of supply, small amounts of valuable raw materials will be brought into collection depots from scrapped plants and from smaller depots.

d. The supplying of militarily vital plants with coal, and the filling of the most urgent coal requirements of the population are to be guaranteed by agreements with the proper Reich agencies.

e. The collection of leather and old material, and the gathering of scrap are to be pushed forward according to plan. In view of the special conditions in the Government General, Jewish dealers who can be freed for this purpose from forced service, etc., may also be engaged.

f. A transport plan will be drawn up in agreement with the transportation authorities with the object of bringing transport desires into line with transport possibilities and to arrive at priority scale which will then be made the basis of all further planning.

g. Price and wage regulations, currency protection and credit policy will be harmonized in closest accord between the agencies concerned with the object of creating stable conditions as an indispensable prerequisite for any economic planning.

h. In order to gain a conception of the presumable shape of the payment transactions between the Reich and the Government General, a payment balance sheet is to be drawn up as soon as it is possible to see to what extent armament orders from the Reich can be filled in the Government General.

5. I reserve the right to issue further basic instructions.

Copy of the present is being sent to the subordinate service agencies, as well as to the Commander in Chief East, the Chief of the Armament Inspectorate Upper-East, the Military Commander in Krakow, and the Bank Director of the Emission Bank* in Poland, with the request that the service agency for the Four Year Plan be supported in every possible way in the execution of its tasks.

Certified [Signed] DR. FRANK

Signed: Signature

Senior Ministerial Secretary, Office Manager

* A special Polish Bank, for the floating of Government Bonds.

PARTIAL TRANSLATION OF DOCUMENT NO-4396
PROSECUTION EXHIBIT 2162

EXTRACT FROM GOERING'S DECREE ON THE MAIN TRUSTEE OFFICE EAST, 12 JUNE 1940, STATING THAT THE MAIN TRUSTEE OFFICE EAST WAS AN AGENCY OF THE FOUR YEAR PLAN

*Decree Concerning the Main Trustee Office East**

The organization of the administration in the Incorporated Eastern Territories has been completed. The legislative work required for this purpose has, in the main, been brought to a conclusion. As a measure of adjustment to the changes effected thereby, I issue the following ordinance:

Section 1. *Main Trustee Office East*

The Main Trustee Office East is an office under the jurisdiction of the Plenipotentiary of the Four Year Plan [eine Dienststelle des Beauftragten des Vierjahrplan], charged with the execution of the duties within the limits [im Rahmen] of competency delegated by me.

* * * * * * *

Berlin, 12 June 1940

President of the Ministerial Council for the Reich Defense and Plenipotentiary for the Four Year Plan

GOERING,
Field Marshal

* This decree was not published in the Reichsgesetzblatt. The decree was found as an enclosure to a letter of 26 June 1940 by SS Colonel Creutz. The portion of the decree here reproduced is discussed in the extracts from the testimony of defendant Koerner reproduced later in this section.

TRANSLATION OF DOCUMENT NI-3724
PROSECUTION EXHIBIT 3233

ARTICLE BY MAX WINKLER, DIRECTOR OF MAIN TRUSTEE OFFICE EAST, IN THE FOUR YEAR PLAN MAGAZINE, 20 FEBRUARY 1941, CONCERNING INCORPORATED PARTS OF POLAND AS A NEW SPHERE OF GERMAN ECONOMY, THE WORK OF HIS OFFICE, THE RESETTLEMENT OF ETHNIC GERMANS, AND RELATED MATTERS

Berlin, 20 February 1941

The Four Year Plan Journal of National Socialist Economic Policy. Official Information of the Plenipotentiary for the Four Year Plan. Minister President Reich Marshal Goering

New Sphere of German Economy
From the Work of the Main Trustee Office East

by Max Winkler

After the victorious conclusion of the Polish campaign, in the course of establishing the new order of the eastern territories within the union of the German Reich, the Fuehrer and Reich Chancellor has established by a decree of 8 October 1939 the Reichsgaue Danzig-West Prussia and Wartheland, and also by incorporating neighboring territories into the province of Silesia, and into the province of East Prussia, has created the government districts of Katowice and Ciechanow. In this way those eastern German territories, which for two decades had suffered Polish domination, were again returned to the German Reich. Every type of reconstruction work of a political, cultural, economic, and social nature ever accomplished in these territories unmistakably bore the stamp of the German spirit and mind. In spite of the methods dictated by hate, and a persecution mania adopted towards Germanism, the Polish State did not succeed in destroying these German characteristics, not to mention the fact that there was nothing original to compete with German creative production. On the other hand, the Polish administration in these former German territories was successful in one thing: by separating parts of formerly confined economic areas and destroying the instinctive cooperation with the Greater German economic area essential for their prosperity, in many places absolute chaos arose, which paralyzed promising sectors of economic life.

In addition to those territories which were German prior to the [First] World War, in which traces were felt of the work of the former German administration right up to the end of

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Polish rule, and which enabled some contact to be established, those sectors also came under the German Reich through the incorporation of those territories in which the Polish type of administration had had full effect. There is no doubt, therefore, that, through the incorporation of these eastern territories during the war, a task arose for the German administration which, both in the light of the timely circumstances and with reference to the prevailing cultural, economic, and social conditions, must be regarded as unique.

The Plenipotentiary for the Four Year Plan, who, through diverse measures, had thus coordinated and strengthened the German economy so that it was in a position to fulfill the tasks arising from a total war, now also adopted those measures which were essential for the economy of the incorporated Eastern Territories to be adapted to that of the former Reich and, in particular, to render it serviceable for the tasks of the German economy prevailing at the present time. The Main Trustee Office East, with its headquarters in Berlin, was established for this purpose by proclamation of Reich Marshal Goering as Plenipotentiary for the Four Year Plan on 1 November 1939. In accordance with this, the administering of the assets of the former Polish State, the settlement of finances and credits, issuing of orders with regard to economic measures essential for the transfer of economic control to the various spheres of administration belonged to its tasks, as well as the necessary discussions and calculations arising from them. To these tasks were added the necessity of the registration, administration, and later utilization of the assets of members of the former Polish State, insofar as confiscation was to be considered; settlement of debts and claims which were made before 1 October 1939 in the incorporated Eastern Territories, as well as the preparatory negotiations with foreign creditors. The Main Trustee Office East executed the tasks imposed upon it in close cooperation with the Reich Governors and/or Oberpraesidenten. It has established local trustee offices in Danzig-Gdynia for the Gau Danzig-West Prussia, in Poznan for the Reichsgau Wartheland, and in Lodz for the special branches of the industrial sphere there, in Ciechanow for the government district of Ciechanow, and in Katowice for the government district of Katowice. On the other hand, there are a number of subordinate branch offices of the local trustee office which ultimately continue to deal with the essential requirements of the local branches.

The legal basis for the execution of the tasks is presented among others by the decree of the Plenipotentiary for the Four Year Plan dated 15 January 1940 (Reich Law Gazette I, p. 174)

(official information No. 697) concerning the confiscation of assets of the former Polish State, and the decree concerning the management of assets belonging to members of the former Polish State dated 17 September 1940 (Reich Law Gazette I, p. 1270).

The organization of the Polish administration did not produce data concerning industrial enterprises and other assets which were available before the outbreak of war in the incorporated Eastern Territories. There were no reliable statistics either with regard to the sphere of industry or that of wholesale and retail trade, or in the province of crafts. Polish statistics from the year 1930 may serve as approximate facts to illustrate the extent of the work of the Main Trustee Office East within the sphere of private economy, according to which there were 294 large industrial enterprises, 9,000 medium industrial enterprises, 76,000 small industrial enterprises, 9,120 wholesale enterprises, and 112,000 retail enterprises in the incorporated eastern territories.

Even though this contains proof that the industrial enterprises which were in the hands of the ethnic Germans under Polish control were greatly pushed into the background, nevertheless a certain survey is obtained of the tasks incumbent upon the Main Trustee Office East within the sphere of private economy.

It was necessary to catalogue and, if required, to confiscate all property hitherto in the hands of Polish citizens.

A detailed examination was also required to determine to what extent enterprises, which, although productive enough for Polish conditions were certainly not sufficient for a German existence, were to be maintained or brought to a stand-still; if they were to be maintained and confiscation seemed suitable, they were removed by the provisional trustee under the supervision of the local trustee office. Already by the appointment of this provisional trustee in closest cooperation with the Reich Leader SS in his capacity of Reich Commissioner for the Strengthening of Germanism, the interest of those groups of German resettlers were preserved who, obeying the call of the Fuehrer, are settled in the newly created eastern territories.* It was these resettlers in particular who, by acting from now on as temporary trustees for these assets, were to gain the opportunity of accordingly asserting their knowledge and capabilities, in order later on to make a living in the regained territories as purchasers of the property which they had administered. In addition such administrations were transferred in the first place to ethnic

* Evidence concerning the settlement of ethnic Germans in Poland is reproduced earlier in section IX E (DUT—The German Resettlement Company).

Germans who were settled in the incorporated Eastern Territories in order to offer them the opportunity of revealing and extending their activity after liberation from Polish domination.

From this extensive operational sphere of the Main Trustee Office East, the following points should be of general interest:

Banking firms, hitherto Polish, had to adapt themselves to reorganization of the credit system in the incorporated Eastern Territories. To cover credit needs of temporarily administrated enterprises, a special credit system was established.

In the field of power supply, productive plants, in accordance with local requirements, were either consolidated or administrated by the cities themselves.

Coal and ore mining in Upper Silesia has been reorganized in accordance with the principles contained in the decree of the Plenipotentiary of the Four Year Plan.

The large textile industry in the territory of Lodz and Bielitz was likewise reorganized, to a large extent. Of 4,000 plants, the modern and productive ones were put in operation again. A large number of plants considered worthy of maintenance are being kept intact for a later period when assignment of quotas in this field will permit resumption of operation. An additional large number of plants whose condition with respect to technological advancement would not warrant a resumption of operation were shut down permanently, and utilization of machinery still usable in these plants was prepared for and partially carried out. Characteristic in the field of trade and handicraft is the extraordinarily large number of small and little enterprises. According to the German viewpoint, and for social and economic reasons, a large part of these enterprises would not offer a living wage to a German. The planning for future organization of this branch of the economy was carried out in close collaboration with the Reich Group Trade and the National Estate of Craft Guilds, giving special consideration to the importance which just this branch of the economy will have in the resettlement of the eastern territories with Germans.

Finally, the settlement of claims and debts for property under the administration of the Main Trustee Office East arising from a period prior to 1 October 1939, constitutes a task of a special nature. In order to satisfy claims of all debtors, a formal stoppage of payments which was at first unavoidable would, however, be considerably relaxed by various decrees in favor of German and foreign neutral debtors. A formal legal settlement of problems connected with these questions is imminent.

In the utilization of property administrated by the Main Trustee Office East already begun, primary consideration for acquiring

property is given to ethnic Germans who are residents in the incorporated Eastern Territories; second place is accorded to families of groups who are to be resettled in this territory, so far as they may be considered purchasers in the industrial field; and final place is accorded to German nationals who formerly were residents of the incorporated Eastern Territories and who, after the liberation of their country [Heimat], desire to resettle there. So far as the interests of the above-mentioned ethnic groups permit it, German nationals may also acquire property which is administrated by the Main Trustee Office East. Even though the Main Trustee Office East endeavors to transfer property, thus far administrated temporarily, to private ownership in the interest of introducing private initiative in the economy, the retention of a sufficiently large part of the administrated properties for soldiers returning from the front after the war is of great importance. Since smaller enterprises, which would guarantee a living wage from the German viewpoint, have been taken over from the Poles in a condition under which a German cannot be expected to accept them, considerable financial means have been made available by the Main Trustee Office East for the repair and equipping of such enterprises. Repair and equipping of enterprises reserved for soldiers returning from the front has already begun.

As may be adduced from the aforementioned statements, the Main Trustee Office East, in transferring temporarily administrated enterprises to the German purchaser, is taking special care to see to it that the purchaser maintains the enterprise in a condition which will guarantee him a living wage. In the interest of the resettlement policy in the eastern territories, the purchaser of an enterprise is to find a secure existence in his new home which will enable him to enjoy the fruits of his work. In the interest of the influx of German compatriots in the regained area of settlement, and in the interest of encouraging ethnic Germans and resettlers in private initiative, it was therefore understandable that the Main Trustee Office East summarized these aspects in a memorandum which it forwarded to the Reich Minister of Finance in the endeavor to take also all measures in the field of taxes which would appear necessary for the promotion of an economic expansion in the incorporated Eastern Territories. It is characteristic that at a time when England, in her financial distress, was forced to resort to blocking and utilizing the capital of its citizens in the United States of America, Greater Germany, by a generous plan, was in a position to grant far-reaching tax reductions in the newly acquired eastern territories. In the interest of promoting the incorporated Eastern Territories, the decree

on tax reduction of 9 December 1940 provides for a reduction in tax to members of all vocational groups liable for taxation, largely for a period of 10 years. No war tax or national defense tax is being collected. In the field of income tax and wage tax, the large majority of small wage earners is fully exempt. Considerable exemptions have been granted in property and citizens tax. Real estate and furnishings may be acquired by an employer free of purchase and turnover tax. Donations to eastern territories from the territory of the former Reich are exempt from gift tax. Regulations already in force in the Reich and augmented for the eastern territories concerning financial assistance for children and education, marriage loans, loans and subsidies for furnishings have come into force simultaneously with the decree for reduction of tax in the eastern territories.

During a war which has been forced upon the German nation and which it must wage for its survival, it has been possible to build the foundation for the establishment of a means of existence for countless Germans, in territories which, at the time they were taken over by the German administration, were completely bankrupt economically and in which, from the viewpoint of a resettlement policy, tasks had to be mastered which were unique and with which no one in history had so far been confronted.

This knowledge, however, will be the best gratification to all those who, under the eyes of the Fuehrer, are allowed to participate in this work to a small or to a large degree.

TRANSLATION OF KOERNER DOCUMENT 231
KOERNER DEFENSE EXHIBIT 139

EXTRACT FROM "THE LAW OF LAND WARFARE. THE MOST IMPORTANT AGREEMENTS PERTAINING TO THE LAW OF LAND WARFARE, EXPLAINED BY DR. ALFONS WALTZOG," BERLIN, 1942*

Part II. The Hague Rules of Land Warfare

* * * * * * *

Part III. Military Authority in Occupied Enemy Territories
Preliminary Remarks to Part III

* * * * * * *

5. The Hague Rules of Land Warfare, particularly part III, do not apply for the debellation, that is, the complete subjugation of the enemy and the destruction of his sovereignty (example of the present war—Poland and Yugoslavia). One cannot speak

* Published by Franz Vahlen, Berlin, 1942. The entire extract offered in the defense document is taken from page 75 of the book, and is here reproduced.

here of warlike occupation, for the occupation of enemy territory presupposes that there exists an enemy in the sense of international law, that is, an enemy *state*. If the enemy State no longer exists, there is no longer any room for the Hague Rules of Land Warfare. The territories which formerly belonged to the enemy are administered by the victor, so to speak, as their trustee until the final settlement. He will place those territories which he plans to annex into his permanent administration and will extend his jurisdiction to those territories as far as necessary. In other fields he can act as he pleases until the establishment of a new constitutional structure has been decided upon, be it in the form of independent States, Protectorates, or Mandates. Such an administration lies outside of the regulations of part III of the Hague Rules of Land Warfare. However, the administrator may use them as a guide for his actions.

The regulation of the Hague Rules of Land Warfare can only be applied to cases which constitute a *true* occupation of a territory which still belongs to the enemy. The presupposition of its validity is the existence of a sovereign enemy State. It is without any significance whether or not only part of the still existing enemy State is occupied (example of the present war—France) or whether the entire State territory is occupied (example of the present war—Norway.)

TRANSLATION OF DOCUMENT NID-13863
PROSECUTION EXHIBIT 2165

EXTRACTS FROM THE FIRST IMPLEMENTATION DECREE ON THE DECREE CONCERNING THE TREATMENT OF PROPERTY OF NATIONALS OF THE FORMER POLISH STATE, 15 MAY 1942, SIGNED BY DEFENDANT KOERNER

1942 REICHSGESETZBLATT, PART I, PAGE 331

First Implementation Decree for the Execution of the Decree concerning the Treatment of Property of Nationals of the Former Polish State, 15 May 1942

Pursuant to article 23, paragraph 1 of the ordinance of 17 September 1940 concerning the treatment of the property of nationals of the former Polish State (Reich Law Gazette I, p. 1270) I decree the following:

Part I. Administration of seized property

Section 1

The Main Trustee Office East itself can administer seized property. Seized property also means demands and proceeds from transfers of ownership and the interest from such property.

* * * * * * *

Section 7

Property under the administration of the Main Trustee Office East is to be used to cover such expenses of the Main Trustee Office East as are provided for in the budget of the Plenipotentiary for the Four Year Plan (individual plan XXIII). The amounts required are to be booked as revenues in the individual plan XXIII.

Section 8

The Main Trustee Office East may employ the seized property under its administration for the reconstruction of the incorporated Eastern Territories, provided the Plenipotentiary for the Four Year Plan in conjunction with the Reich Minister of Finance give their consent.

* * * * * * *

Part II. Confiscated property

Section 10

The directives of part I are to be applied analogously to property confiscated on behalf of the Reich.

Section 11

The Plenipotentiary for the Four Year Plan in conjunction with the Reich Minister of Finance decides how to employ property confiscated on behalf of the Reich, as far as it has not been disposed of already according to articles 7 and 8.

* * * * * * *

Part IV. Effective date of the ordinance.

Section 13

1. This ordinance becomes effective as from its date of promulgation.

2. Measures of competent agencies taken before the effective date of the ordinance are valid, as far as they are not revoked by the Plenipotentiary for the Four Year Plan in conjunction with the Reich Minister of Finance.

Berlin, 15 May 1942

The Plenipotentiary for the Four Year Plan

As deputy: KOERNER

TRANSLATION OF DOCUMENT NID–13895
PROSECUTION EXHIBIT 2166

SECOND IMPLEMENTATION DECREE ON THE DECREE CONCERNING THE TREATMENT OF PROPERTY OF NATIONALS OF THE FORMER POLISH STATE, 29 FEBRUARY 1944, SIGNED BY DEFENDANT KOERNER

1944 REICHSGESETZBLATT, PART I, PAGE 61

Second Implementation Decree for the Execution of the Decree concerning the Treatment of Property of Nationals of the Former Polish State, 29 February 1944

In accordance with article 23, paragraph 1 of the ordinance of 17 September 1940 concerning the treatment of property of citizens of the former Polish State (Reich Law Gazette I p. 1270) I herewith decree:

Article 1

Regulations necessary for the execution of the ordinance concerning the treatment of property of citizens of the former Polish State will be issued through administrative channels in the sphere of competence of the Main Trustee Office East.

Article 2

(1) As far as it is necessary these ordinances will be issued in agreement with the Reich Commissioner for Strengthening of Germanism.

(2) Regulations which imply payments from property under the administration of the Main Trustee Office East are to be issued in agreement with the Reich Minister of Finance.

Article 3

(1) This decree shall be effective upon its promulgation.

(2) Measures taken by the responsible authorities before the effective date of this decree are valid unless they are rescinded by the Plenipotentiary for the Four Year Plan.

Berlin, 29 February 1944

The Plenipotentiary for the Four Year Plan
As deputy: KOERNER

2. TWO DEFENSE AFFIDAVITS AND TESTIMONY OF DEFENDANT KOERNER

PARTIAL TRANSLATION OF DOCUMENT KOERNER 177 KOERNER DEFENSE EXHIBIT 143

EXTRACTS FROM AN AFFIDAVIT OF MAX WINKLER,* DIRECTOR OF THE MAIN TRUSTEE OFFICE EAST, 7 MAY 1948, CONCERNING THE OPERATION OF THE MAIN TRUSTEE OFFICE EAST

I, Dr. Max Winkler, born on 7 September 1875, residing at Suderburg, district of Uelzen, at present Nuernberg, Prison Hospital, have had my attention drawn to the fact that I make myself liable to punishment if I submit a false affidavit. I declare under oath that my statement is true and was made in order to be submitted as evidence in Case 11 to the Military Tribunal IV, Palace of Justice, Nuernberg.

I declare the following under oath:

1. During the middle of October 1939 I was appointed, upon suggestion of the Plenipotentiary for the Four Year Plan, Hermann Goering, to establish the Main Trustee Office East (HTO).

2. The main principles for the establishment of the HTO were the following:

a. Elimination of any unauthorized confiscation and any enrichment of individuals.

b. Uniform and regulated treatment and administration of the confiscated or seized properties in the territories occupied by the German troops.

c. Increase of the productive power of industry, especially in the territories incorporated into the German Reich.

d. Regulation of all matters pertaining to finances and credits and correct procedures with regard to the financial settlements which became necessary as a consequence of the new set-up of the administration.

* * * * * * *

6. From the very beginning the principle was applied in the incorporated Eastern Territories to develop them economically and to organize them within the framework of wartime possibilities. The HTO always followed this principle according to the directives received.

During the Polish campaign a great deal of industrial trade and agricultural enterprises, as well as commercial enterprises, financial institutions, etc., had been abandoned by their owners

* Max Winkler testified as a defense witness. His complete testimony is recorded in the mimeographed transcript, 2 September 1948, pages 19654–19663.

or managers. For this reason the Commander in Chief of the Army, as early as at the end of September 1939, had issued an ordinance concerning the appointment of trustee administrators for such enterprises. This ordinance was, however, not sufficient to guarantee proper administration and the necessary reconstruction. The local trustee had no possibility to get his work done without a strong central organization backing him, and in many cases he was personally unqualified. Besides, the former owners or managers had taken away equipment, machinery, and other valuable items in large quantities. In all these cases the HTO helped to a great extent, especially by appointing qualified administrators, by uniformly directing all matters connected with trustee work, and by providing credits and funds; and it thus contributed a considerable share to reconstruction. Furthermore, the HTO provided very considerable sums for new constructions, for modernizing welfare institutions, food-producing enterprises, hotels, etc.; these funds were taken from the surplus monies of the trustee administration, especially from the administration of property formerly owned by the State.

* * * * * * *

11. The confiscated objects were utilized only if it could not be avoided for technical reasons. Only smaller objects were concerned, like bakeries, barber shops, and other small trade and commercial enterprises, which, as everybody knows, prosper only if they are operated by a personally interested owner. Numerous cases were also concerned in which enterprises administrated by a trustee had been deprived of their funds by the former owners and were in danger to go bankrupt if they did not receive outside help, which meant that there was a danger of the enterprises having to be closed and involving all the consequences for economic life as a whole and for the capital of the property of the enterprise concerned.

In the case of large industrial enterprises it was not only necessary to preserve the capital but also to make large investments in order to repair war damages, to modernize antiquated equipment, and to increase production in quantity as well as in quality. This could, however, not be done through a trustee administration, since neither the required funds nor the necessary material investment could be obtained in such a way. In many cases suitable personnel were also lacking which private firms would not provide without difficulties.

Finally, it was often necessary to employ, in special fields (for example, in the chemical industry), the knowledge and the manufacturing methods of large private specialized firms in the Reich, which could usually not be done through a trustee administra-

tion nor on the basis of leases or similar legal regulations. In view of these circumstances and conditions, partly upon suggestion of my specialists, partly upon suggestion of German official authorities and enterprises, and usually after long drawn-out negotiations, I gave my approval in several cases for the sale of confiscated industrial enterprises—especially in the industrial area of Upper Silesia—provided the purchaser payed to the HTO a price which, carefully determined by specialists, corresponded to the value of the enterprises to be sold or which possibly exceeded that evaluation.

12. In selecting the purchasers I was guided exclusively by principles of general economic expediency, according to my directives. Taking this point of view I thought, for example, that I could not approve of Goering's wish (made known to me at the end of 1939) namely, to transfer considerable parts of the Upper Silesian coal pits to the Hermann Goering Works (HGW). Had I complied with the original request, it would have meant that the Upper Silesian coal mines would have been deprived of their coal bases in a way for which I could not take the responsibility. Only after these requests were reduced to a tolerable extent on the basis of negotiations which I had with Goering himself and, later on, with General Director Roehnert of the HGW, I gave my approval to transfer part of the Upper Silesian coal mines to the HGW.

For reasons of expediency, the formal transfer to the HGW was effected in a way that the Reich took over the mines from the HTO against payment of about 200 million reichsmarks which it invested in the HGW as property rights.

13. The funds received from the sale and from the profits of the enterprises administrated by the HTO were always administrated and treated as trustee property for account of the person concerned. When, in the middle of 1942, the bank accounts and bank deposits of the HTO had exceeded the sum of 500 million reichsmarks, I had the funds of the HTO transferred to an account at the Reich Finance Main Office for reasons of saving expenses; there they were always available for the HTO as foreign funds on the basis of an agreement with the Ministry of Finance. In the course of time these accounts increased to about 1.7 billion reichsmarks.

14. The relation of my office to the Plenipotentiary for the Four Year Plan, and my personal official relation to State Secretary Koerner, resulted from the fact that Goering subordinated the HTO to himself, personally and directly, and had personally appointed me to create and head the HTO. In all questions of principle as well as in matters of special importance, I nego-

tiated with Goering directly. With regard to current matters (especially with regard to questions pertaining to budgets and auditing) in matters of administration and current reports there was naturally also a permanent contact with the office of the Plenipotentiary for the Four Year Plan. State Secretary Koerner had hardly anything to do with the factual work of the HTO. If he had any contact at all with the HTO, he only tried to balance matters, as it was his habit also in other fields.
Nuernberg, 7 May 1948

[Signed] MAX WINKLER

TRANSLATION OF DOCUMENT KOERNER 241
KOERNER DEFENSE EXHIBIT 140

AFFIDAVIT OF DEFENDANT STUCKART, 2 DECEMBER 1947, CONCERNING EXPERT OPINIONS OF THE GERMAN GOVERNMENT ON THE EFFECT OF THE DEBELLATION OF POLAND*

I, Dr. Wilhelm Stuckart, born on 16 November 1902 at Wiesbaden, at present at the Court Prison Nuernberg, have been duly warned that I shall be liable to punishment if I make a false affidavit. I declare under oath that my statement conforms to the truth and was made in order to be presented in evidence before the Military Tribunal 1 at the Palace of Justice Nuernberg, Germany.

From 1935–45, I worked in the Reich Ministry of the Interior; in the beginning I was Division Chief in charge of Department I, Constitution and Administration, and after September 1943 I headed, as State Secretary, the four Administrative Divisions out of the eight Ministerial Divisions.

When, in September of 1939, Poland was completely subjugated, the Polish Army destroyed, and the government had flown, those territories which prior to 1918 had essentially formed a part of the Reich were to be incorporated in the Reich territory in accordance with the Russo-German Treaty of Friendship of 28 August 1939. In this connection, both the Reich Chancellery and the Reich Ministry of the Interior had an expert opinion on international law on hand, which showed that, in view of the debellation of Poland, there existed no doubts under international law against the incorporation.

As far as I recall, this expert opinion emanated from the entourage of the then Reich Minister for Foreign Affairs, but I no longer can say for sure by whom it was signed. I know, however,

* This affidavit was introduced in the Krupp case, volume IX, this series, as Ihn Document 757, Ihn Defense Exhibit 597; and in the RuSHA case, volumes IV and V, this series, as Meyer-Hetling Document 26, Meyer-Hetling 26.

that it was no privately uttered opinion, but an official view of the office authoritative in such questions of international law. In consequence thereof, Hitler's decree concerning the incorporation of the Eastern Territories in question was issued.

Nuernberg, 2 December 1947.

Signed: DR. WILHELM STUCKART

EXTRACTS FROM THE TESTIMONY OF DEFENDANT KOERNER[1]

DIRECT EXAMINATION

* * * * * * *

DR. KOCH (counsel for defendant Koerner): Mr. Koerner, after the end of the fighting, according to your opinion at that time, what happened to the Polish State?

DEFENDANT KOERNER: The Polish State had, according to my view, completely ceased to exist.

Q. From what did you conclude that?

A. There was no Polish Government or a Polish Army in existence. The territory had been finally split up by a treaty between Russia and Germany.

Q. And did you know that in London there was still a Polish Exile Government?

A. No, only later in the war did I hear from press reports of the existence of such a government.

Q. In this connection, I would like to refer the Tribunal to my document book 3–B, Document Koerner 186, Koerner Defense Exhibit 137,[2] Document Koerner 188, Koerner Defense Exhibit 138,[3] Document Koerner 231, Koerner Defense Exhibit 139,[4] Document Koerner 241, Koerner Defense Exhibit 140.[5] In these documents the question of Poland's debellation will be handled.

Mr. Koerner, the prosecution maintains that the Main Trustee Office East, the so-called HTO, spoliated Poland. What was the relationship between the HTO and the Plenipotentiary of the Four Year Plan, and what was its relationship with you personally?

A. Goering himself created the HTO and subordinated it directly to himself. The head of the HTO, Mayor Winkler, was concerned with fundamental matters; and the most important decisions were always negotiated with Goering direct.

[1] Further extracts from the testimony of defendant Koerner are reproduced in Volume XII, sections VI B and VI H; below in sections D 2, E 2, and XI C 1.

[2] Extracts from the "Almanac for Foreign Policy," Berlin, 1940, not reproduced herein.

[3] Extracts from the "Journal for Foreign Public Law and International Law," Berlin, 1940, not reproduced herein.

[4] Extract from "The Law of Land Warfare. The Most Important Agreements Pertaining to the Law of Land Warfare Explained by Dr. Alfons Waltzog," Berlin, 1942, reproduced earlier in this section.

[5] Affidavit by defendant Stuckart, 2 December 1947, reproduced immediately above.

Q. I now submit to you from prosecution document book 125, page 39 of the English and page 70 of the German, Document NO–4396, Prosecution Exhibit 2162.[1]

PRESIDING JUDGE CHRISTIANSON: Exhibit 2162?

DR. KOCH: 2162. That is Document NO–4396, on page 40 of the English. There we have the statement that the HTO was an agency of the Four Year Plan, although I just see that the English text says it was "an office under the jurisdiction of the Plenipotentiary [of the Four Year Plan]." That translation is incorrect. "Jurisdiction" is the wrong term. However, what matters is—Was this HTO subordinated to you because it was an agency of the Four Year Plan?

DEFENDANT KOERNER: No. The fact that the HTO was an agency of the Four Year Plan, in any case, proves only that it was subordinated to Goering and not to me. There was never any idea of subordinating it to me. Winkler always negotiated directly with Goering. I, myself was only occasionally informed by Winkler.

Q. In this connection, I would like to refer the Tribunal to Document 1707–PS, Prosecution Exhibit 2160,[2] in document book 125, page 2 of the English. There, under figures 3 and 4 of a Goering decree, the facts just stated by the witness are confirmed.

Mr. Koerner, what did you know about the functions of the HTO? And what did you know of its territorial jurisdiction?

A. The HTO was restricted to the Incorporated Eastern Territories. In the Government General, Governor General Frank had set up an independent trustee agency of his own.

Q. I would like to point out that this is an important point, and in document book 125, Document 2207–PS, Prosecution Exhibit 2161[3] and Prosecution Exhibit 2162, it is proved. That is on pages 15 and 39 of the English. I would like, in particular, to point out paragraph 2, on page 17 of the English.

Mr. Koerner, I now pass to the question of the use made of the property administered or seized on behalf of the Reich, by the HTO. I am submitting to you Document NID–13863, Prosecution Exhibit 2165,[4] and Document NID–13895, Prosecution Ex-

[1] Goering decree of 12 June 1940 on the Main Trustee Office East. Reproduced in part earlier in this section.

[2] Counsel refers to the Goering decree of 19 October 1939 which was one of several items concerning the Main Trustee Office East included in Document 1707–PS, Prosecution Exhibit 2160. However, since this decree was previously in evidence as Document EC–410, Prosecution Exhibit 1286, it was reproduced earlier in this section under the latter document and exhibit number.

[3] This document not reproduced herein was a handbook, 87 pages long, for the instruction of agencies concerning the authority and tasks of the HTO. It was issued by Goering and contained both explanatory text and a number of directives.

[4] Decree of 15 May 1942, signed by defendant Koerner, is reproduced earlier in this section.

hibit 2166,[1] pages 56 and 59 of the English, and pages 98 and 101 of the German. If you want to do so look at the documents in both cases. These are implementation orders signed by you, concerning the ordinance on the administration of property belonging to members of the former Polish State, dated 17 September 1940. Please comment on these orders.

A. These orders refer only to the Incorporated Eastern Territories. I signed them at Goering's special order because, at that time, Goering was not in Berlin, but he was making a trip in his special train. From there I received instruction that the implementation decrees should be signed by me, because they were concerned only with the technique of administration.

Q. In Upper Silesia—those parts of Upper Silesia incorporated into Germany—the HTO passed a number of industrial installations on to German industrial enterprises. Do you know anything of the reasons for that?

A. The Upper Silesian industrial installations, a large proportion of which belonged to the Polish State, were in many instances in a very bad technical state. Considerable investments were necessary. These investments and the necessary reconstruction work could not be carried out within the framework of normal trusteeship, and these could not be expected either. So it was in both the interest of the plants themselves and in the interest of the German economy that German industrial enterprises should be called in to take over the industrial installations and make the necessary investments.

Q. I would like to draw the attention of the Tribunal to documents in my document book 3–C, exhibit numbers 177 and 325. No, I beg your pardon. I made a mistake. Those are the document numbers. The exhibit numbers are Koerner Defense Exhibits 143[2] and 145.[3] These documents deal in detail with the work of the HTO and the Upper Silesian plants which we just mentioned.

Mr. Koerner, to what extent were you yourself concerned in transferring these plants from trustee administration into the hands of the German enterprises? I am submitting to you a prosecution document in this connection from document book 115, Document NID–14954, Prosecution Exhibit 3424,[4] page 23 of the English, page 26 of the German.

[1] Decree of 29 February 1944, signed by defendant Koerner, is reproduced earlier in this section.

[2] An Affidavit of Max Winkler, the director of the HTO, reproduced in part earlier in this section.

[3] An affidavit of Heinrich Wisselmann. This affidavit is not reproduced herein.

[4] File note of Friedrich Flick, 2 August 1940, concerning a discussion with defendant Koerner and Ministerial Dirigent Marotzke, in which Flick made application for the transfer of the Bismarckhuette to the Flick Concern. This document is not reproduced herein. Flick was a defendant in the Flick case, Volume VI, this series.

Oh, just a moment, please. Document book 115.

This is a note of a talk between Herr Flick and you, concerning the transfer of the Bismarckhuette. What can be said about that?

A. In the case of the Bismarckhuette, Hitler had given Goering orders to regulate the case as he saw fit. Goering had ordered distribution in connection with the suggestions of the head of the HTO, Winkler, who at the time, agreed with the gentlemen of the Ministry of Economics.

Q. In this connection I would like to refer to document book 115, Document NG–044, Prosecution Exhibit 3427,[1] page 27 of the English. This shows that Winkler carried out the negotiations in detail with the economic organizations. I don't know if I made a slip of the tongue. Winkler managed the negotiations with the Economic Ministry.

A. Flick knew perfectly well that a decision could come from only Goering. He came to see me only in the hope that I might possibly open the way for him to see Goering. In fact, however, the Bismarckhuette did not fall to Flick's share. I myself had no say in the matter whatsoever.

Q. But what about your participation in taking over the Upper Silesian mines by the Reichswerke Hermann Goering? Please look at prosecution document book 115, Prosecution Exhibit 3427, and Document NI–598, Prosecution Exhibit 3428.[2] Just wait a moment. Yes, go ahead.

A. These documents are concerned with transfer of the mines from the HTO to the German Reichswerke, these mines that were transferred to the Reichswerke, to the Mine Administration Upper Silesia, GmbH.

JUDGE MAGUIRE: I didn't get that answer.

DR. KOCH: Repeat the last sentence, would you?

DEFENDANT KOERNER: The document refers to the transfer of the mines from the HTO to the German Reich. The Reich at that time transferred these mines to the Reichswerke Hermann Goering, and to that part of the Reichswerke which was the Upper Silesian Mine Administration GmbH. That transfer was also ordered by Goering. The negotiations were conducted by Wink-

[1] File note of Dr. Saager of the Reich Ministry of Economics, 9 July 1941, concerning a conference of Winkler, the director of the HTO, and representatives of the Reich Ministry of Economics, the file note being entitled "Incorporation of Upper Silesian Coal in the Mining Administration of the Reichswerke Hermann Goering." This document is not reproduced herein.

[2] This was a contract of 13 January 1941, under which numerous Polish mines were transferred from "the Reich" to the Mining Administration of the Hermann Goering Works. The paragraph showing the parties to the contract states: "The German Reich, represented by the Plenipotentiary for the Four Year Plan and the Director of the Main Trustee Office East (HTO) on the one hand, and the Mining Administration Upper Silesia of the Reichswerke Hermann Goering, Katowice, hereinafter called the Mining Administration, conclude the following agreement." This document is not reproduced herein.

ler and with Goering and the chairman of the Vorstand of the holding company of the Reichswerke, Director General Roehnert, as well as with the members of the Economics Ministry. The equivalent value was then paid by the Reich to the HTO.

Q. May I draw attention to the fact that a few words have been misunderstood. You said the Reich "at the time" [seinerzeit] and meant the Reich "in its turn" [seinerseits]. I think you meant to say the Reich "in its turn." Now to what extent were you personally called in?

A. As far as I was concerned in the matter as chairman of the Aufsichtsrat of the Reichswerke, that is, of the directing company, I only acted in accordance with the orders given by Goering.

Q. And did it seem entirely unobjectionable to you that this former Polish property should be transferred to the Reichswerke?

A. The taking over of the mines by the Reichswerke was suitable in view of the situation. It never occurred to me that to carry through this scheme could in any way be objectionable under international law. There was all the less reason for me to think of that because at the same time I repeatedly talked to the then Prussian Minister of Finance, Dr. Popitz, concerning the transfer of mines which had originally belonged to the Prussian State and which after 1918 had passed into Polish hands. Dr. Popitz was a lawyer known far beyond the frontiers of Germany. He did not say a single word to indicate that there might be any misgivings possible under international law.

Q. Just a moment, please. I am just checking up on the translation—just a moment, please.

Mr. Koerner, you said the mines were paid for. What do you know about the price? What do you know about the use to which the purchase price was put?

A. The mines were given to the HTO and were paid with a price of, I think, 200 million reichsmarks and this sum, like all other receipts, was administered on behalf of the people concerned.

JUDGE MAGUIRE: Whom do you mean by that?

DR. KOCH: This question of trustee administration, about that question evidence has been given in Koerner Defense Exhibits 143 and 145 in my book 3–C.* There it is made clear that this was a genuine trustee administration, not the receiving of cash by the Reich, but a separate control of the purchase, by the HTO.

JUDGE MAGUIRE: Yes, but someone said for the benefit of or on behalf of the people concerned. Who does he mean by that, who were the people concerned, who did he have in mind?

* The exhibits referred to are again the affidavits of Winkler and Wisselmann. Extracts from Winkler's affidavit, Document Koerner 177, Koerner Defense Exhibit 143, are reproduced earlier in this section.

DR. KOCH: Perhaps the translation was not quite correct. That is a German technical term which the witness used. That is administration on behalf of the people who may be concerned. That means that it is not the person—the person is not indicated and it is left open who may get it afterward. That is a term from German trusteeship law.

JUDGE MAGUIRE: All right.

DR. KOCH: And I would once again like to ask our interpreter to check up on whether the expression used by the witness just now, that the transfer of the mines was indicated by the situation. The translation given before was suitable: "Indicated by the situation" is the right word, thank you.

* * * * * * *

D. Western Europe

1. CONTEMPORANEOUS DOCUMENTS

PARTIAL TRANSLATION OF DOCUMENT NG-1492
PROSECUTION EXHIBIT 2575

LETTER FROM DEFENDANT LAMMERS TO THE REICH MINISTERS, 21 MAY 1940, TRANSMITTING FOR CONFIDENTIAL INFORMATION A FUEHRER DECREE ON GOERING'S AUTHORITY TO ISSUE DIRECTIVES TO THE REICH COMMISSIONER FOR THE OCCUPIED NETHERLANDS

Copy

Berlin W 8, 21 May 1940

The Reich Minister and Chief of the Reich Chancellery
Rk. 324 B g

Secret

With reference to the Fuehrer's decree concerning the governmental powers in the Netherlands of 18 May 1940 (Reich Law Gazette I, p. 778), I hereby, for your confidential information, transmit a further decree of the Fuehrer of 19 May 1940, which is an amendment to the previous decree, authorizing the Plenipotentiary for the Four Year Plan to issue directives to the Reich Commissioner for the Occupied Netherlands within the framework of his tasks.

Signed: DR. LAMMERS

To the Reich Ministers

Copy of the enclosure

Secret

By the decree of 18 May 1940, I appointed the Reich Minister Dr. Seyss-Inquart as Reich Commissioner for the Occupied Netherlands. In this capacity he is directly responsible to me and receives his directives and orders from me.

As it is necessary for the German war economy to coordinate the planned program also for those areas which are occupied by German troops, I hereby decree that Field Marshal Goering is also authorized to issue orders to the Reich Commissioner within the framework of his tasks in his capacity as Plenipotentiary for the Four Year Plan.

Any publication of this order is prohibited.

The Fuehrer's Headquarters, 19 May 1940

The Fuehrer

Signed: ADOLF HITLER

Seal: Reich Chancellery

Ia 77g/40 [Signed] DR. LAMMERS

PARTIAL TRANSLATION OF DOCUMENT RF-203
PROSECUTION EXHIBIT 2765

EXTRACTS FROM THE FRENCH-GERMAN ARMISTICE AGREEMENT OF 22 JUNE 1940

French-German Armistice Agreement of 22 June 1940

General Keitel, Chief of the German Armed Forces High Command, Plenipotentiary of the Fuehrer of the German Reich and Supreme Commander of the German Armed Forces, as party to the first part and

General Huntziger, French Ambassador Léon Noel, Vice Admiral Leluc, Lieutenant General Parizot, [and] General (Air Force) Bergeret, as Plenipotentiaries of the French Government invested with full powers, as parties to the second part, have agreed to the following Armistice Agreement:

1. The French Government orders the cessation of hostilities against the German Reich, both on the territory of France, as well as in the French Possessions, Colonies, Protectorates, Mandated Territories and on the Seas. It orders the French Forces which are already encircled by German troops to lay down their arms immediately.

2. For the purpose of safeguarding the interests of the German Reich, the French territory situated north and west of the line drawn on the appended map shall be occupied by German

troops. To the extent that the regions to be occupied are not already in the power of the German troops, their occupation shall be effected immediately after the conclusion of the present agreement.

3. In the occupied territories of France, the German Reich shall exercise all the rights of the occupying Power. The French Government undertakes to assist by every means the issuance of orders concerning the exercise of these rights, as well as the execution thereof with the help of the French administration. The French Government shall immediately invite all the authorities and services of the French administration in the occupied territory to comply with the instructions of the German military authorities and to cooperate with them in a correct manner.

It is the intention of the German Government to reduce the occupation of the western coast to a strict minimum after the cessation of the hostilities with England. The French Government shall be free to choose its headquarters in the nonoccupied territory or, if it so desires, to transfer them even to Paris. In such case, the German Government undertakes to grant every facility necessary to the French Government and to its central administrative agencies in order that it may be able to administrate both the occupied and nonoccupied territories from Paris.

4. The French Armed Forces on land, on the sea, and in the air shall be demobilized and disarmed within a period of time which is yet to be fixed. Exempted therefrom are those troops only which are necessary for the maintenance of internal order. Their strength and their equipment in arms shall be determined by Germany or by Germany and Italy respectively.

The French Armed Forces which are stationed in the territories to be occupied by Germany shall rapidly be brought back into the nonoccupied territory and shall be demobilized. Before returning to the nonoccupied territory, such troops shall lay down their arms and equipment in those places where they are located at the moment when the present Convention takes effect. They shall be responsible for the proper surrender of such equipment and arms to the German troops.

5. As a guarantee for the strict observance of the Armistice conditions, the surrender in good condition may be required of all pieces of artillery, and of armored cars, antitank guns, military airplanes, antiaircraft guns, infantry weapons, and of every means of traction, and of the ammunitions of those units of the French Army which were engaged in the struggle against Germany and which, at the time when the present agreement takes effect, are stationed on the territory which is not to be occupied by Germany. The German Armistice Commission shall decide on the impor-

tance of these deliveries. Exception may be made in the case of the delivery of military airplanes if all the planes still in the possession of the French Armed Forces are disarmed and placed in security under German control.

6. The arms, ammunition, and war materiel of all kinds which remain in the nonoccupied French territory shall, as far as they are not left at the disposal of the French Government for the arming of the French units which are authorized, be stored or placed in safety under German or Italian control respectively. The German High Command reserves the right to order for this purpose all measures which are necessary to prevent the unauthorized use of such stocks. The manufacture of new war materiel in the nonoccupied territory shall cease immediately.

7. All ground and coastal fortifications with their weapons and equipment, and the stocks and installations of every kind located in the regions to be occupied shall be handed over in good condition. Furthermore, the plans of such fortifications shall be handed over as well as the plans of those which have already been taken by the German troops. All details concerning mines which have been laid, land-mine blockades, time-fuses, contaminated areas, etc., shall be submitted to the German High Command. These obstacles shall be removed by the French Forces if the German authorities so request.

8. The French Navy—with the exception of that part which is left at the disposal of the French Government for the safeguarding of French interests in the French Colonial Empire—shall be concentrated in harbors to be designated at a later date and shall be demobilized under the control of Germany or of Italy respectively.

For the designation of such harbors the ports where the ships are located in time of peace shall be controlling. Furthermore, the German Government gives the solemn assurance to the French Government that it does not intend to utilize the French Fleet lying in the harbors under German control for its own purposes during the war except for such ships as are necessary to guard the coasts and to clear mines.

Moreover, it gives the express and solemn assurance that it has no intention of laying claims to the French Fleet at the conclusion of the peace. With the exception of that part of the French Fleet, still to be determined, which will be used to safeguard French interests in the Colonial Empire, all war ships which are outside of French territorial waters shall be recalled to France.

9. The French High Command shall give the German High Command precise information as to all mines laid by France and

all mine blockades in the harbors and coastal zones, as well as all installations for defense and military security.

The dragging of the mine blockades shall, to the extent that it is required by the German High Command, be carried out by the French Forces.

10. The French Government undertakes not to engage in any hostile action against the German Reich with any part of the armed forces which remain to it or in any other manner.

The French Government shall also prevent members of the French Armed Forces from leaving French territory and it shall take heed that no arms, no equipment of any nature, and that no planes or ships, etc., be transferred to England or to foreign countries.

The French Government shall forbid French nationals to take up arms against Germany in the service of those States against which Germany is still at war. All French nationals who fail to comply with this order shall be handled by the German troops as *francs-tireurs*.

11. Until further notice, French merchant vessels of all kinds, including coasting vessels and harbor boats under French control, are forbidden to leave their harbors. The resumption of commercial traffic shall be subject to the prior authorization of the German Government or of the Italian Government respectively.

Those French merchant vessels which are outside of the French harbors shall be recalled to France by the French Government, or should this be impracticable, they shall be sent to other neutral harbors.

All captured German merchant vessels lying in French harbors shall be returned in good condition when such action is requested.

12. An order shall be issued immediately to prohibit the taking-off of all airplanes located on French territory. All airplanes which take off without a prior German authorization shall be considered by the German Air Force as enemy airplanes and treated accordingly.

The airfields and ground installations of the air force in the nonoccupied territory shall be under German or Italian control respectively. The French Government is obligated to make available to the German authorities all those foreign airplanes which are in nonoccupied territory and to prevent them from proceeding on their way. These planes shall be handed over to the German military authorities.

13. The French Government undertakes to ensure that in the territories which are to be occupied by the German troops, all military installations, establishments, and stocks are handed over

intact to the German troops. Furthermore, it shall give heed that the harbors, industrial installations, and shipbuilding yards remain in their present condition and are in no way damaged or destroyed.

The same applies to all means and lines of communication, especially to railroads, roads, and navigable waterways, to the whole telegraph and telephone system, as well as to installations for the designation of navigable waters and transmission signals along the coasts. Furthermore, the French Government undertakes to carry out at the orders of the German High Command all such work of restoration as is necessary.

The French Government shall take care that in the occupied territory the necessary skilled workers are available, as well as the same amount of rolling stock and other means of communications as would exist under normal conditions in time of peace.

* * * * * * *

18. The cost of the maintenance of the German Occupation Troops on the French territory shall be charged to the French Government.

19. All German prisoners of war and German civilian prisoners, including those persons under arrest or detained in prisons who were arrested or sentenced for actions perpetrated on behalf of the German Reich, must be handed over immediately to the German troops.

The French Government undertakes to hand over upon request all those German citizens who shall be designated by the Reich Government, and who are in France or in the French Possessions, Colonies, Protectorates, or Mandated Territories.

The French Government undertakes to prevent the transfer of German prisoners of war and German civilian prisoners from France to the French Possessions or to foreign countries. With respect to prisoners already removed from France, as well as to German prisoners of war who are sick, unfit for transport, or wounded, exact lists showing their location must be submitted. The German High Command will take care of German prisoners of war who are sick or wounded.

20. The members of the French Armed Forces who are prisoners of war of the German Forces, will remain prisoners of war until the conclusion of the peace.

21. The French Government is responsible for the safeguarding of all articles and values which are to be handed over in good condition or placed at the disposal of Germany as stipulated in this Convention and the transfer of which outside of France is forbidden. The French Government is liable to pay damages

for all destruction, damages, or removals which are in violation of the present Convention.

22. A German Armistice Commission, acting under the orders of the German High Command, shall regulate and control the execution of the Armistice Convention.

Furthermore, the Armistice Commission is obligated to secure the necessary accord between this Agreement and the Italian-French Armistice Agreement. The French Government shall organize at the Main Office of the German Armistice Commission a delegation which shall represent French interests and receive the executive orders of the German Armistice Commission.

23. This Armistice Agreement shall take effect as soon as the French Government has reached an agreement with the Italian Government also concerning the cessation of hostilities. The cessation of hostilities shall take place 6 hours after the Italian Government has announced to the Reich Government the conclusion of this agreement. The Reich Government shall communicate the time thereof to the French Government by a radio transmission.

24. The present Armistice Agreement shall apply until the conclusion of the peace treaty. It can be denounced at any time by the German Government with immediate effect should the French Government not fulfill the obligations it assumes under the present Agreement.

The present Armistice Agreement was signed on 22 June 1940 at 1850 hours German summer time, in the forest of Compiegne.

Signed: HUNTZINGER Signed: KEITEL

TRANSLATION OF DOCUMENT NG-3629
PROSECUTION EXHIBIT 2490

MEMORANDUM OF MINISTERIAL DIRECTOR WIEHL, CHIEF OF THE ECONOMIC POLICY DIVISION OF THE GERMAN FOREIGN OFFICE, ON THE MEETING OF THE ECONOMIC POLICY COMMITTEE OF 24 SEPTEMBER 1940, CONCERNING FRENCH, BELGIAN, AND POLISH GOLD, AND OTHER MATTERS

No. W. H. A. 773

*In verbal or written communications with authorities and private individuals, no mention is to be made of the Economic Policy Committee, nor is any reference to be made to its decisions**

No. 27 Strictly Confidential!

Meeting of the Economic Policy Committee on 24 September 1940

Present:

Foreign Office	Ministerial Director Wiehl Minister Clodius Senior Councillor of Legation Sabath Senior Councillor of Legation Dumont
Plenipotentiary for the Four Year Plan.	Ministerial Director Gramsch
High Command of the Armed Forces.	Lieutenant Colonel Spalcke
High Command of the Navy.	Lieutenant Commander Zimmer
Reich Ministry of Economics.	Ministerial Councillor Schultze-Schlutius Ministerial Councillor Klesper
Reich Ministry of Food and Agriculture.	Ministerial Dirigent Straubinger
Reich Ministry of Finance.	Ministerial Director Wucher Ministerial Director Berger Ministerial Councillor Litter
Reich Ministry of Interior.	Ministerial Director Ehrensberger
Reich Bank	Reich Bank Director Reinel Reich Bank Director Jost
Belgian National Bank.	Commissioner with the Belgian National Bank, Kriegsverwaltungsrat Semper

* Because of this directive forbidding the mention of the Economic Policy Committee, contemporaneous documents, other than reports of committee meetings, ordinarily do not refer to the Economic Policy Committee directly.

1. On the question of *German-Italian control of France's border,* Minister Clodius made a report about his discussions with the representatives of the Italian Embassy.

2. The following attitude was taken with regard to the telegram Del. No. 125, dated 20 September, from the Armistice Delegation for Economic Matters concerning *the gold hitherto located at Dakar:*

a. French gold. It was assumed that the French Government had carried out their decision to take the gold to Kayes, in the interior of the country. In case this had happened, it appeared best to await the development of the situation in Dakar before further decisions are made regarding the return transportation of the gold.

b. Belgian gold.—Minister Hemmen is to order the French to bring the Belgian gold, too, from Thies to Kayes. In order to clear the presumed claim of the French for a deduction of 800 to 1,000 million French Francs which they advanced to the fugitive Belgian Government, discussions are to take place in Wiesbaden of the Commissioners of the Bank of France and the Belgian National Bank with Herr Boisanger, as soon as possible.

The reservations made against the deduction are to be maintained at all events. The question of risk pertaining to the return transportation of the gold is to be answered along the lines that the responsibility is borne by those to whom the gold belongs. The removal and return transportation of the gold must not be delayed by the question of the risk.

c. Polish gold.—Any claim by the French on the Polish gold deposit is unfounded. After the collapse of the former Polish State, the fugitive Polish Government was no longer competent to dispose of the gold. If the Bank of France did, nevertheless, make an advance to the Polish pseudo Government, they did not thereby obtain a claim to the gold deposit in order to secure the return of this advance.

For a start, Minister Hemmen is to ask the French to clarify the situation and to secure the gold in any event. In consideration of the fact that Reich Bank Director Hartlieb is a member of the Delegation, the sending off of a special negotiator does not seem necessary.

To figure 4 of telegram 125.—We acknowledge the readiness of the French Government to transfer to us possession of their shares in the Rumanian oil companies. Minister Hemmen is to conduct the negotiations in such a way, that, if possible, we obtain possession of the entire property. Only if, in individual cases, we hold the majority of shares, the French could be left with a certain percentage for the time being—without our ac-

knowledging their wish to retain a minority—for which we would then reserve ourselves the right to make decisions at a later date. Under no circumstances will the wishes of the French, that we recognize their present holdings of Iraq oil shares, be met. Concerning the Bor mining company, the resolutions passed during the meeting on 20 September still remain effective. In the meantime, Minister Hemmen is not to refer to the communications by the French Government regarding their demand against the Rumanian Government amounting to 850 million French Francs for armament deliveries, since it cannot yet be foreseen whether the Rumanians will refuse to recognize further this political claim.

Berlin, 24 September 1940 [Signed] WIEHL

PARTIAL TRANSLATION OF DOCUMENT EC-485 PROSECUTION EXHIBIT 2477

EXTRACTS FROM THE RECORD OF A CONFERENCE ON 7 OCTOBER 1940, UNDER THE CHAIRMANSHIP OF GOERING, WITH COPIES TO MORE THAN THIRTY PERSONS INCLUDING DEFENDANTS SCHWERIN VON KROSIGK AND KOERNER, CONCERNING THE ECONOMIC EXPLOITATION OF THE OCCUPIED WESTERN TERRITORIES

V. P. 16158 III Berlin, 13 October 1940

Conference under the chairmanship of the Reich Marshal on 7 October 1940, about the economic exploitation [wirtschaftliche Ausnuetzung] of the occupied territories

In his introduction the Reich Marshal declared that the Fuehrer has given instructions for the settlement of a number of points after a conference in which the Reich Marshal had reported to him about the impressions he received in his trip through the western occupied territories.

I. *Military measures:*

In the military sphere it is necessary to loosen a number of regulations which were positively necessary at the time of their proclamation, but which have now caused justified complaints and therefore have to be examined with the aim to relax them.

* * * * * * *

b. Purchases by soldiers.—The purchase limitations for soldiers, civilian officials of the Armed Forces, and so forth, in force in the occupied territories, shall be suspended on principle. The Reich Marshal states that he considers as negligible the scruples

which were raised by various sources fearing a threatening depletory selling-out of the occupied territories. He called attention to the fact, in what unrestrained manner Germany has been depleted in her time by foreigners with strong [valutastarken] currencies, and pointed out that, in the first place, it doesn't matter if the selling-out in the occupied territories takes place sooner or later; and that secondly, the selling-out by German soldiers and so forth is even limited too much anyway—in view of the coming Christmas holidays—by the low war pay and the small purchasing power resulting therefrom. The Reich Marshal defines the measures taken up to now to control the purchases—and also the shipping limitations—as psychologically unbearable and as very difficult to carry out, in practice at least. The soldier does not consider the conquered territory as a foreign country — and therefore does not understand it, when custom duties for his personal purchases are demanded from him at the old Reich frontier. Things were different only in such cases in which merchandise was taken across the frontier for the purpose of selling it in the Reich. The Reich Marshal therefore ordered—

1. The soldier, and all other members of the Armed Forces and other units and organizations, may purchase in enemy territory as much as they can pay for, in the same manner as the natives, but also under the same restrictions.

2. Prohibition to purchase furs, jewelry, rugs, silk material, and luxury items has to be lifted at once.

3. Rationed goods, especially food, shall be made available by purchase to soldiers, etc., only by ration points or ration cards. "Standing in line" in the midst of the civilian population, however, is out of the question for soldiers.

4. Luxuries—as chocolate and coffee, which become scarce within the occupied territories—have to be seized, and must be sold to the troops through the Post Exchange and canteens.

5. Members of the Forces of Occupation have to be practically exempt of the results of rationing as far as possible; namely, either by a generous providing with ration points or by an exemption from the rationing system for Germans.

6. To put members of the Occupation Force in the position to please their relatives at Christmas, they must be given the opportunity to receive from their homeland, in addition to the amount already granted, a further sum of money once, corresponding approximately with their monthly pay.

7. Restrictions in force now, concerning the mailing of packages through Army Postal Service from the occupied territories to the homeland, have to be loosened regarding their number as well as their weight and their contents.

8. Restrictions concerning carrying of objects bought by men going on furlough, etc., have to be lifted on principle. The soldier shall be permitted to take with him such things as are meant for his own use or for the use of his relatives.

9. Customs barriers at the borders of the occupied territories are to be declared void for members of the Occupation Forces and other units and organizations employed within the occupied territories; this also in regard to mail through Army Postal Service.

10. For goods of any kind, carried by troop units or organizations on motor cars and vehicles as luggage, and not intended for the personal use of the men or their relatives, but for sale, the custom duty is still valid.

The Reich Minister for Finance, Count Schwerin von Krosigk, explaining this, said that the finance administration takes not the slightest interest in levying a custom duty on goods carried by soldiers, etc., from the financial and political point of view. The finance administration has only employed its officials for the purpose of carrying through such control requested by other departments. Today there is still a need for control of booty. In this respect the Reich Marshal pointed out the perfect disciplined behavior which has been shown by the troops up to now, so that booty only could be existing to a very small extent. In addition, according to the conception of the Reich Marshal, a control on the border would hardly lead to positive findings and therefore would be useless. The Reich Minister for Finance subsequently declared to agree to abolish this control regulation.

* * * * * * *

III. *Economic Measures.*

a. Purchase of luxury goods by German firms.—The Reich Marshal ordered that luxury goods, still available in ample quantities within the occupied territories, should also be made accessible to the German population.

The Reich Ministry of Economics was to submit to the Reich Marshal a list of firms which should be entitled to buy up luxury goods (jewels, furs, leather goods, carpets, silk) in the occupied territories. In issuing permits special consideration was to be given to trusted firms which already had always done business as import firms in this particular field. But also such firms should be considered to a larger extent which had formerly been pushed back by Jewish firms and therefore could even later on dispose only of very small import quotas. The Reich Marshal reserved the right of his personal approval of the lists.

Appropriate measures should make sure that the firms should resell the purchased goods to the German public at cost—which,

as a rule, was below the German price—plus a fair profit, and that they should not pocket the difference between the low price in the foreign countries and the high price at home.

In reply to a question raised by State Secretary Landfried, the Reich Marshal ruled that as long as the imported textiles were rationed in Germany they would remain rationed. The advantage for the German consumer was that he could get for his ration coupons beautiful and good clothes at a low price.

* * * * * * *

f. Payment of the occupation costs by Holland.—In spite of the often expressed reflection on the part of Holland, that Holland is not in a position to pay the demanded amount of the occupation costs, the Reich Marshal made it clear that Holland had to raise under all circumstances the fixed amount of the occupation costs, and that it was the task of the German administration to enforce this requisition with all means and not to acquiesce in any way in the requests of the Dutch.

DR. BERGMANN

Distribution:

1. Field Marshal Keitel
2. Field Marshal von Brauchitsch
3. Admiral of the Fleet Raeder
4. Major General Reinecke (OKW)
5. Major General Thomas
6. Vice Admiral Witzel (OKM)
7. General Wagner (OKH Gen. Qu.), Fontainebleau

7*a*. Chief of the War Administration Sarnow (OKH. Gen. Qu.), Fontainebleau

8. Colonel Becker (OKW Economic Armament Office)
9. Reich Minister Graf Schwerin von Krosigk
10. Reich Minister Ohnesorge
11. State Secretary Nagel
12. Reich Minister Funk
13. State Secretary Landfried
14. Under State Secretary Major General von Hanneken
15. State Secretary Backe
16. State Secretary Kleinmann
17. State Secretary Syrup
18. Reichsleiter Bormann
19. Ministerial Councillor Baermann
20. SS Major General Heydrich
21. SS Colonel Ohlendorf
22. Regierungsrat Staffeldt

22*a*. Reich Commissioner for Coal Walter

23. State Secretary Koerner

24. State Secretary Neumann
25. Military Commander for Belgium and Northern France, Major General Falkenhausen, Brussels
26. Chief of the War Administration Reeder, Brussels
27. Colonel Nagel, with the Military Commander for Belgium, Northern France, Brussels
27*a*. Generalintendant Fritsch, Brussels
28. Major General Streccius, with the Military Commander in France, Paris
29. Minister Schmidt, Chief of the Military Government, Paris
30. Ministerial Dirigent Michel, with the Chief of the Military Administration in France, Paris
31. Minister Fischboeck, Commissioner General for Economics and Finances, The Hague
32. General Schwabedissen, Chief of Staff of the Military Commander for the Netherlands, The Hague
33. Lieutenant Colonel Veltjens, The Hague
34. Party Member Boesing, with the Chief of the Civil Administration for Lorraine

TRANSLATION OF DOCUMENT NID–15558*
PROSECUTION EXHIBIT 3769

LETTER FROM DEFENDANT KOERNER TO DEFENDANT PLEIGER, 29 OCTOBER 1940, STATING AGREEMENT IN PRINCIPLE WITH PLEIGER'S PROPOSAL FOR PRESENTING CLAIMS BY THE HERMANN GOERING WORKS TO SHARES IN SPECIFIED CONCERNS IN FRANCE AND LUXEMBOURG

A. G. Reichswerke Hermann Goering
Chairman of the Aufsichtsrat, Koerner
State Secretary for the
Plenipotentiary of the Four Year Plan
and the Prussian State Ministry
[Handwritten] A.R. 820/40

Berlin W 8, 29 October 1940
[Stamp]
Secretariat Pleiger
005359—1 November 1940

In your letter of 22 October 1940 you sent me a draft for a letter stating the claims of the Reichswerke on property of the western Montan property. It concerns the following:

* Photographic reproduction of this document appears in Appendix A, Volume XIV.

1. Property of the "De Wendel" concern.

a. Coal mines.—Friedrich Heinrich in Lintfort a/Rhine, Mine Robert Heinrich near Hamm, Mine Oranien-Nassau.

b. Foundries.—Hayange and Moyeuvre-la Grande in German-Lorraine; Joeuf, on the border of German-Lorraine in French-Lorraine.

2. The former possession of Thyssen in Lorraine consisting of the foundry Hagedange, including the small steelwork Safe.

3. The foundry Differdange in Luxembourg.

4. Blocking minority of the "Arbed": Of which 8 percent of the shares are in the possession of Schneider-Creusot; 20 percent in the possession of two Belgian banks; 72 percent of small shares in the hands of Luxembourg citizens.

In principle I agree that as chairman of the Vorstand of the Reichswerke A.G. fuer Erzbergbau and Eisenhuetten, Salzgitter, you immediately register a suitable claim with the Reich Ministry for Economy (Under State Secretary General von Hanneken). I am reserving my decision as to appropriate support of your application, of which I request a copy.

Heil Hitler!

[Signed] KOERNER

Director General Pleiger
Berlin-Halensee
Albrecht-Achilles Str. 62/64

953402—52——49

PARTIAL TRANSLATION OF DOCUMENT 1986-PS
PROSECUTION EXHIBIT 2489

EXTRACTS FROM THE ACTIVITY REPORT OF THE GERMAN ARMISTICE DELEGATION FOR ECONOMIC MATTERS, 15 JANUARY 1941, FOR PERIOD JULY-DECEMBER 1940, CONCERNING OCCUPATION COSTS, ADJUSTMENT OF FRENCH ECONOMY TO GERMAN INTERESTS, HANDLING OF GOLD DEPOSITS, ACQUISITION OF RAW MATERIALS, PRICE FIXING, AND RELATED MATTERS

Wiesbaden, 15 January 1941

Activity Report of the German Armistice Commission for Economic Matters, Wiesbaden, for the Period July–December 1940

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VII. German Assets in France
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I. General

On the basis of a decree issued by the Minister for Foreign Affairs von Ribbentrop and the Plenipotentiary for the Four Year Plan, Field Marshal Goering, of 4 July 1940, the German Armistice Delegation for Economic Matters [Waffenstillstands-Delegation Fuer Wirtschaft] has been formed in addition to the German Armistice Commission. So far its tasks are the following:

1. Execution of the economic and financial regulations as provided for in the Armistice Agreement concluded between Germany and France on 22 June 1940 in Compiegne:*

Paragraph 11—French navigation.
Paragraph 15—freight transit traffic.
Paragraph 17—disposition of economic values and stocks.
Paragraph 18—occupational costs, and miscellaneous.

2. Adjustment of the total French economy to German interests: commissioners; controls at international boundaries; French laws and regulations on customs and foreign trade with regard to Germany and third countries; clearing procedure between

* Document RF-203, Prosecution Exhibit 2765, reproduced in part earlier in this section.

France and Germany and the states occupied by German troops; delivery of raw materials and colonial products; acquisition of shares; relationship of currency, etc.

3. Prevention of the trade and money traffic of France with the countries at war with Germany: sea and inland navigation; communication with the colonies; management of foreign currency; return of the Belgian and Polish gold as well as withdrawal of the French gold from Africa, etc.

II. Demarcation Line, Commissioners, Control on the External Borders

The French Delegation in the meeting of 19 July 1940, referred right away very urgently to the serious damage done to its country resulting from the division into two parts of the motherland. It declared that it was urgently necessary to transform the demarcation line into a merely military line, through speedy and most far reaching loosening of the *demarcation line* to reinstate goods, and clearing traffic, as well as travelling and news, services between the occupied and unoccupied parts of France and therewith make a uniform French economy possible again.

The German Delegation has realized that here lies the point of departure for the pursuit of the German aims to gain influence, beyond our rights emanating from the Armistice Agreement, on the collective financial and economic life of France, particularly also the unoccupied territory, in the sense of an adjustment to German interests.

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III. Foreign Exchange and Exchange of Payments

1. *French Foreign Exchange Economic Measures.*

a. Prohibition of Payments for the Benefit of Enemies.

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b. French Assets Abroad.

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c. Amendments to French Foreign Exchange Laws.

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2. *Clearing Agreement.*

a. German-French Clearing Settlement.—In order to satisfy the need of the economy for a settlement of the exchange of payments between Germany and France, negotiations have been taken up with the French at the beginning of August 1940, on the conclusion of a clearing agreement which was closed on 14 November 1940 by signing of the "settlement by clearing of the

German-French exchange of payments." The agreement became effective immediately.

The settlement of clearing has been built on the single-account-system [Einkontensystem]. Payments from and to occupied France will be made over a reichsmark account "France A," and payments from and to the unoccupied territory over a reichsmark account "France B" of the *Office de Compensation* at the German Clearing Accounting Office [Verrechnungskasse]. The immediate disbursement of the amounts paid in by German debtors in favor of French creditors is assured through the obligation of unlimited advances on the part of the French agencies concerned.

It was only with difficulty that the French signature to the agreement could be obtained inasmuch as this clearing agreement involves a unilateral German advantage in the following four points:

The agreement is based on an exchange ratio of 1 : 20 as requested by Germany.

Capital transfer is permissible only from France to Germany and not vice versa.

The German creditors for merchandise and capital will receive payment of their prewar claims at a rate of 100 francs equal to RM 6.15, while the German debtors have to pay their prewar liabilities only at the new rate of 100 francs equal to RM 5.

The clearing settlement which is effective for the duration of the armistice treaty can only be terminated by Germany.

The state of accounts up to 10 January 1941 shows on the account "France A," approximately RM 47,000,000, and on the account "France B," approximately RM 18,000,000, together therefore RM 65,000,000 payments into the German clearing accounting office, and according to that, on the account "France A," approximately RM 1,000,000, and on the account "France B," RM 0.003 million, amounting together to approximately RM 1,000,000 payments to the *Office de Compensation.* As had been foreseen, the *large German purchases* in France are balanced by small German sales to France only. Presumably this ratio will continue further in existence. The tactical moment has to be awaited when the opportune time has come to balance the clearing by means of delivering goods from Germany to the Army of Occupation (butter, equipment) over clearing, while the Army of Occupation will pay a monthly lump sum from the costs of occupation to the *Office de Compensation.*

b. Clearing Settlement with Alsace-Lorraine.

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c. Clearing Settlement with Belgium, Luxembourg, Holland, and Norway.

* * * * * * *

IV. Gold

1. *General.*—In order to prevent the strengthening of the financial economy of England, the German Armistice Delegation for Economic Matters requested information already, at the beginning of the negotiations, from the French Government on the size and whereabouts of the gold deposits of the Bank of France and of other official French agencies, as well as on possible gold administered for foreign governments.

The following was established:

a. Gold stocks and deposits of the Bank of France and of the currency balance fund:

	In billions of francs		
	Bank of France	*Currency balance fund*	*Total*
London	10.8	1.5	12 3
Ottawa	10.1	6.3	16.4
New York	20.5	0.8	21.3
Fort de France	12.1	---	12.1
Africa	31.1	3.3	34.4
Casablanca	----	0.5	0.5
	84.6	12.4	97.

The total amount of 97,000,000,000 francs of French gold amounts, on the basis of an exchange rate of RM 5.86 equal to 100 francs, is equal to about RM 5,300,000,000.

b. Gold stocks of foreign governments and other public offices in France—

Foreign government Offices	*Place of deposit*	*In millions of francs amount*
Central Bank of the Turkish Republic	Africa	30.1
Bank of England		82.3
Latvia		47.6
Lithuania		107.0
Poland		33.0
Rumania		84.5
Yugoslavia		21.5
Bank for the international payment settlements		14.8
		420.8

The total amount of 420.8 million francs equals, on the basis of an exchange rate of RM 5.86 for 100 francs approximately RM 24,600,000; of which about RM 1,900,000 fall to the share of the former Polish State.

Still to be added to this are—

a. 4,944 boxes of Belgian gold at a value of 6,521,000 Belgian francs which are now equivalent to approximately RM 540,000,000.

b. 1,208 boxes of Polish gold at an estimated value of RM 100–120,000,000.

Both these deposits are also in Africa.

2. *Belgian gold.*—After difficult negotiations of the German Armistice Delegation for Economic Matters, along with the Commissioner at the Belgian National Bank,* with the French Delegation, the Belgian-French gold agreement, which was concluded on 29 October 1940 in Wiesbaden, was signed by the chairman of the German Armistice Delegation for Economic Matters, the chairman of the French Delegation with the German Armistice Delegation for Economic Matters, the Commissioner at the Bank of France, and the Commissioner at the National Bank of Belgium.

* The Governor of the Belgian National Bank, Brussels, had been invited through the courtesy of the Commissioner to participate in the conference; however, he declined for reasons of ill health. He has been informed of the developments of the conference through the Commissioner.

This agreement provides, aside from the delivery of gold deposits of 6,521,000 Belgian francs and the other deposits of values of the Belgian National Bank, for the surrender of an additional 463,000,000 francs in gold to the Belgian National Bank.

The execution of this agreement, particularly the movement of the gold, evoked difficulties immediately when the governor of the Belgian National Bank, Mr. Janssen, refused to recognize the Belgian-French gold agreement and therefore to issue a receipt to the Bank of France for the gold to be returned.

On the basis of negotiations following those between the Chairman of the German Delegation and French Premier Laval, an additional protocol to the Belgian-French gold agreement was signed with the French Delegation on 11 December 1940, in which the Bank of France obligates itself to transfer the stock of gold of the National Bank of Belgium in Marseilles immediately to the German Reich Bank against a simple receipt for taking over and by waiving all further claims resulting from the transfer, against the Reich Bank.

In this respect it was clear to the French Government and the Bank of France that they were under obligation to the Belgian National Bank for possible later claims.

The French Government had made the signing of the additional protocol dependent on the prerequisite that in Belgium a decree broadening the authority of the Commissioner at the Belgium National Bank be issued and that written proof will be given that Governor Janssen refused to issue a receipt to the Bank of France. Both proofs were given by the Military Commander of Brussels.

In the meantime, the Bank of France had, upon request of the German Delegation, already caused 93 boxes of the gold stored in Kayes (Africa) with a weight of about 4,900 kg to be shipped by air to Marseilles. After signing the additional protocol, this first transport of gold was sent to the Reich Bank in Berlin on 23 December 1940.

Toward the end of December 1940, additional 1,199 boxes with a weight of 60 tons have arrived in Oran which will quickly be shipped to Marseilles by air. The preparations for transportation from Marseilles to the German Reich Bank are already under way.

After completion of the transport of the 60 tons from Oran to Marseilles, the movement by air of the 170 tons of Belgian gold still remaining in Senegal will commence immediately.

3. *Polish gold.*—With the notes of 20 December 1940, the French Government has been requested to deliver up the Polish gold in the amount of 33,000,000 francs and the 1,208 boxes with gold. The government was furthermore asked to bestow on the German Reich Bank, in favor of the Bank Polski, the $776,000 and the 64,000 ounces of fine gold which had been, on 23 July 1940, put at the disposal of the unauthorized pseudo agency of the Bank Polski and the Polish pseudo government in America *after* the conclusion of the Armistice Treaty. This request of payment represents a reparation for the damage suffered by Germany thru the strengthening of the fighting power of her enemy. The note of reply of the French Government is expected during the next few days.

4. *French Gold in Morocco and in Martinique.*—The gold in the amount of 490,000,000 francs or approximately RM 28,000,000 stored in Casablanca shall essentially be used for the purpose of purchasing food in Portugal, and for the creation of free escudo credits in favor of France.

On the basis of a note of the French Delegation of 23 November 1940, it was verified on the part of the French Delegation that the gold to the amount of 12,000,000,000 francs is stored unchanged in Fort-de-France and that it was only intended, if it

was possible to bring goods from South America to France, to pay for them from the gold stocks mentioned above.

5. *French Gold in Africa.*—The gold still stored in Kayes which belongs to the Bank of France and to the French Government, amounts to approximately RM 2,000,000,000. It is contemplated to insist upon fulfillment of the promise made to the German Chairman by Premier Laval in the presence of the Minister of Finance Bouthillier and General Huntziger, according to which, after the completion of the Belgian shipments, their own gold also will be returned again to the native country in the same way.

V. Occupation Costs

1. The legal basis for raising the costs of occupation since the end of the hostilities with France is laid down in paragraph 18 of the Armistice Treaty.

With the note of 8 August 1940, the following claims in particular were presented to the French Government:

a. Effective with 25 June 1940, the French Government has to make installment payments of at least RM 20,000,000 daily. Payments for quarters have to be made outside of the costs of occupation.

b. The rate of exchange will be fixed as follows: RM 1 equal to 20 francs.

c. The installments can be paid in French francs, notes of the Reichskreditkasse, or other values to be agreed upon.

d. The requisition slips issued by the German Army of Occupation before 25 June 1940 have to be redeemed by the French Government without charge to the costs of occupation.

The French Delegation was informed with the note of 14 August 1940 that the notes of the Reichskreditkasse circulating in the occupied French territory can, as a matter of principle, be withdrawn from circulation without changing their status as legal tender. The new issue of note of the Reichskreditkasse will as far as possible be restricted.

The French Government had, after presenting several notes, recognized fundamentally the obligation for payment of the costs of occupation. However, it then objected in particular to—the amount of the daily installments; the fixing of the rate of exchange of RM 1 equal to 20 francs; the nondistinction between an operational and an occupational army [Okkupations-und Operationsarmee]; and the sole right of the German authorities to dispose of the amount set aside for costs of occupation.

Eventually, it agreed on 26 August 1940 to pay the amounts fixed in the German note of 8 August 1940.

In order to secure the payments for the cost of occupation, the Bank of France was obliged, thru its agreements concluded with the French Finance Ministry of 25 August, 29 October, 12 December and 30 December 1940, to grant the French State advances in the amount of up to 85,000,000,000 francs. The Bank of France received, as cover for it, treasury bonds without interest with a time of validity of 3 months which can be extended up to the time of repayment of the advances mentioned.

Up to 31 December 1940, RM 4,000,000,000 equal to 80,000,000,000 francs have been paid to the account "main administration of the Reichskreditkasse" (costs of occupation concerning the Chief of Military Administration in France) at the Bank of France.

The state of the account was at the end of the year: RM 2,169,000,000 equal to 43,380,000,000 francs.

Of the already disposed amount of RM 1,831,000,000, about RM 536,000,000 fall to the account of redeemed notes of the Reichskreditkasse; the remainder has been used for maintaining the troops, purchases of goods, purchases of securities, necessities for Alsace-Lorraine, etc. A redemption of the requisition slips has not taken place yet because the directives on the redemption of requisition slips, as a result of the German notes of 12 October and 18 December 1940, will be announced to the French authorities only now by the Military Commander in France.

2. The following technical questions regarding costs of occupation have still to be clarified at the present time:

a. Charging to the account of occupation costs the costs for transportation which accumulated since 25 June 1940 (negotiations are pending with the Chief of Transportation of the Armed Forces regarding the determination of approximate amounts of transportation costs which have accrued since 15 June 1940, and will occur in the future).

b. Acknowledgment of the French Government that all requisition slips issued before 25 June 1940, will be redeemed by it outside of the costs of occupation.

c. Reparation of damages caused by the occupational troops in France after the Armistice Treaty became effective.

d. Settlement of the redemption of requisition slips which are in the possession of natives of Alsace-Lorraine, and which have been issued by the French Government.

e. Settlement of the redemption of requisition slips issued by the French Government in Belgium and by the Belgian Government in France.

3. With regard to the elementary question of occupational costs, the following must be said:

The costs of occupation—using as a basis the daily installments of RM 20,000,000—amount to 146,000,000,000 francs equal to RM 7,300,000,000 a year in contrast to the amount of 250,000,000,000 francs provided for expenses of the armed forces in the extraordinary French war budget of 1940. Using a population of 40 million as a basis, a share of occupational costs of approximately 3,600 francs, or about RM 180 per annum will fall to each member of the population. If taking the previous estimate of the French revenue of 1940 of about 90,000,000,000 francs as a basis, it follows that the costs of occupation amount to approximately 160 percent of the estimated budget income for 1940. The budget law for 1941, which was published on 1 January 1941, in the Journal Official, confines itself to the budget of expenditures for the first quarter of 1941. The regular and ordinary budgets provided for *expenditures* during this period of time in the amount of 40,000,000,000 francs. In accordance with that, the expenditures calculated for 1 year would amount to about 160,000,000,000 francs. The occupational costs are not considered in this budget of expenditures. A compilation for the estimated proceeds in the first quarter of 1941 is not available.

In a note of 23 October 1940, the French Government has requested a revision of the amount of the occupational costs in accordance with the actual prevailing needs of the occupational troops and the economical productive power of France. Upon instruction of the Reich Minister for Foreign Affairs, a reply to this note of the French Government has not been given up to date.

The French Government has, for the first time on 30 November 1940, not made the 10-day payment of RM 200,000,000 due. On the basis of a reminder note of the German Delegation of 6 December, the payments due on 30 November and 10 December, in the total amount of RM 400,000,000 were then made. From this time on up-to-date, the 10-day payments which had afterward become due had been paid punctually to the account of occupation costs.

It can be assumed with certainty that the French Government will, in the immediate future, make a new request to the German Government for a revision of the occupational costs.

According to the French conception, the amounts to be deposited up to the end of this month—of 100,000,000,000 francs equal to RM 5,000,000,000—cannot be compensated in goods, and their realization must necessarily lead to disruption of the French currency. The French give the following reasons for this:

a. Partition of the country into an occupied and unoccupied France.

b. Deprivation of the economy of raw materials.

c. Lack of about 1,000,000 prisoners of war who are urgently needed for agriculture and mining.

d. Blockade by the British Fleet.

e. Great difficulties in transportation.

This French attitude toward the costs of occupation has brought it about that presumably already today the French Government would agree, with a simultaneous reduction of the occupational costs, to acknowledge the transfer to Germany of part of the occupational costs thru delivery of parts of the national property. A reduction of the occupational costs would make it possible to fulfill immediately the German desire regarding the acquisition of important interests and securities in France. The pending and desired transactions with regard to the acquisition of—

(1) Rumanian oil securities

(2) French airplane securities (Udet program)

(3) Aniline dye securities

(4) Phosphate securities

(5) Quenza securities

(6) Bauxite securities

(7) Yugoslav, Bulgarian, Hungarian, Turkish securities, etc., could then be brought to a quick conclusion. The payment of an amount in gold, and the execution of the airplane construction program of the Chief of the Air Force Supply and Procurement Service [Generalluftzeugmeister] with the aid of the funds for occupational costs would also have to be considered.

If there is readiness on the part of Germany to take this trend of thought into closer consideration, it would be necessary to establish a plan in which approximately the following would have to be considered:

(*a*) Estimate of the amounts still to be redeemed to the debit of the already paid costs of occupation on the basis of the requisition slips to be cashed and the notes of the Reichskreditkasse.

(*b*) Estimate of the actual needs for the Army of Occupation.

(*c*) Fixation of an amount which has to be paid for orders of the Armed Forces (air armament program) within France.

(*d*) Fixation of the amount for which a transfer is desired.

In order to execute (*d*), it is necessary that a basic program be established in which the French property values, in the acquisition of which Germany is particularly interested, will be specified according to the degree of its importance.

VI. Exchange of Goods

1. German import from France and the French Colonial Empire; German export to these territories.—In the interest of the

raw material supply for Germany, the conclusion of agreements concerning delivery of war-essential raw materials and semifinished products, as well as certain food supplies from unoccupied France and the French overseas territories, have been carried on with special emphasis.

a. Deliveries from unoccupied France—
Rubber.

* * * * * * *

Aluminum.—10,000 tons immediately from existing stocks, and 3,000 tons each month from September 1940 on.

Calciferous clay.—2,000 tons each month from August 1940 on.

Magnesium.—300 tons each month from August 1940 on.

Bauxite.—First of all a decision about deliveries of a balance of 45,000 tons from previous agreements has been reached. In addition to that, an agreement concerning an additional 214,000 tons has been made.

b. Deliveries from French overseas territories.

* * * * * * *

As the French merchant marine service with the territories overseas (particularly with Morocco and West Africa) is possible only with the tolerance of the British Naval Warfare Command and may be disrupted at any time, the contracts were, in order to exclude a risk for Germany as far as possible, as a rule concluded in a manner that Germany will receive a certain percentage of the quantities of goods entering the French-owned ports. The contracts have, in general, been concluded between the German Reich agencies and the French groups of importers and distributors. Up till now the following deals have been concluded:

Fertilizing phosphates.—600,000 tons
Blast-furnace phosphates.—120,000 tons
Iron ore (Quenza-ore).—500,000 tons

Peanut oil.—from 25 percent peanuts of the old crop which have been, or will be, imported since September 1940 from the French overseas possessions into France. Hereby 100 kg oil are calculated of each 1,000 kg of shelled peanuts.

Palm seed oil.—from 25 percent of the quantities of palm seeds which have arrived or will arrive in the period from 1 October 1940 to 30 September 1941, from the French Colonies, in the homeland. In this connection 105 kg of palm seed oil are calculated on each 1,000 kg of palm seed which arrived.

Palm oil.—25 percent of the quantities which arrived from 1 October 1940 to 30 September 1941, or will arrive yet. Thereby

the stocks existing in the overseas possessions, and the floating items in a quantity of 18,000 tons are not to be included in the contract.

Peanut cake, extracted peanut meal.—Peanut cake and peanut meal from 12.5 percent of shelled peanuts of the old crop which have been or will be imported from French overseas possessions into the native country, since 1 September 1940. Thereby 70 kg cake meal are calculated to each 1,000 kg of shelled peanuts. Of the amount to be delivered, 60 percent has to be in cake form and 40 percent in the form of extracted meal.

Cocoa.—40 percent of each shipment of raw cocoa from the French possessions at the west African coast which arrived in French ports. Thereby the French stores may be first filled up by taking 7,000 tons away in advance.

Bananas.—50 percent of all amounts of green bananas which are imported from Guadeloupe.

Quebracho.—Germany receives the 1,700 tons of quebracho brought in refrigerator-ships to Bordeaux in full. Of all further arrivals of quebracho, Germany will have disposal of 50 percent.

Further negotiations are pending regarding the delivery of the following colonial products: palm fibres, hides of cattle, cobaltic ore, beryllium ore, graphite, tan-bark, carite butter, spices, salted intestines.

Regarding the above-mentioned phosphate contracts, the French Government has made its consent dependent on the conclusion of a contract on the delivery of edible potatoes from Germany to France; it also made its consent to the concluded contracts on oil fruits, cocoa, and bananas dependent on the conclusion of a satisfactory contract on the delivery of sugar from Germany to France. In all negotiations, the French Government has asked again and again for larger quantities of coal to be supplied from Germany and the countries occupied by Germany in order to improve the very critical coal supply situation in France and the French Colonies, on which account the execution of the delivery contracts is also endangered. This wish could be fulfilled in a very small part only.

c. German deliveries to France as well as French territories overseas.—In contrast to the French desire, no delivery of contracts on the export of German goods to France and the French Colonies as well as other territories overseas have been concluded within the framework of these negotiations. The German Delegation represented the point of view that such contracts will have to be concluded without participation of the government on an absolutely commercial basis between both interested parties. In the negotiations here only the scope of activity has been fixed

for the interested parties in which an opinion on the possibility of deliveries was expressed regarding a list of deliveries desired by the French Delegation on the basis of directives issued by the departments responsible.

With regard to the extremely difficult question of the French coal supply which had been separately dealt with, France could up till now only be left her own production (including the production of the departments Nord and Pas de Calais) and only a comparatively small delivery from Belgium (150,000 tons monthly) could be promised.

2. *Price fixing.*—The rate of exchange of RM 1 equal to 20 francs as provided for in the German-French clearing settlement means, on the one hand, a reduction in price of the German purchases in France and the French Colonies of about 23 percent in comparison to the prewar prices; on the other hand, a respective rise in prices of the French imports from Germany. In recognizing this fact the French Delegation feared the danger of a selling-out in France without a corresponding flow of countervalues to the French economy. Therefore, the French Delegation endeavored in drawn out, persistently conducted negotiations to accomplish an adjustment of the rate of exchange to the inner buying value of the franc and wanted, when these attempts failed, to consent at the most to the application of the last official rate of RM 5.60 to 100 francs. How seriously the French Government took this question of the rate of exchange emerges from the fact that it would be ready, in case of a German compromise even, to agree to a certain rise of the costs of occupation. Because of elementary considerations, any change of the rate of exchange of RM 1 equal to 20 francs was denied by the German Reich Government; however, in a letter (enclosure 5) regarding the German-French clearing agreement of 14 November 1940, it was stated "that the German Government will not object if the purchasing prices for French export goods will be fixed on the basis of the last prewar prices in reichsmarks." According to German conception, this would practically mean that the last prices in French francs in effect before the war may be raised 23 percent, in accordance with the decrease of the rate of exchange of RM 6.15 for 100 francs to RM 5 for 100 francs; in which respect this raise has, as a matter of principle, to compromise not only the raises in price allowed in the meantime by the French price control offices, but furthermore, the raise in price by 11 percent resulting from the abolition of the previous exemption to the export made from the sales tax (law of 17 September 1940).

The French Delegation has, in a one-sided letter concerning the German-French clearing settlement, stated that the French exporters should not be prevented, thru the agreement concluded, from asking higher prices than the last prewar prices in reichsmarks, if these higher prices are justified. According to the German conception, further contradictory rises of prices have been hindered in the agreements treated within the realm of the delegation. Certain rises in price of various colonial products because of the higher French risk resulting from the uncertainty of marine transportation conditions have only in exceptional cases been taken into account.

The French Government has stated besides, its readiness to issue, in a circular to the departments and economic groups, more detailed executory regulations on price control. The content of this circular is at the present time being examined in the Reich Ministry of Economics.

3. *French customs and foreign trade regulations.*

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4. *French trade agreement negotiations with third countries.*

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PARTIAL TRANSLATION OF DOCUMENT 1741-PS
PROSECUTION EXHIBIT 2476

CORRESPONDENCE AND FILE NOTES, NOVEMBER 1941 TO NOVEMBER 1944, CONCERNING OCCUPATION COSTS, FRENCH PAYMENTS, GERMAN SEIZURES OF FRENCH ACCOUNTS, AND RELATED MATTERS*

1. Letter from de Boisanger, President of the French Delegation, to Hemmen, President of the German Armistice Delegation for Economic Matters, 4 November 1941, concerning the effects of "Occupation Costs" upon French economy

Paris, 4 November 1941
Place du Palais-Royal

[Stamp]
German
Armistice Delegation
f. Economic Affairs
Wiesbaden
5 November 1941
No. 11116
Enclosures

French Delegation to the German Armistice
Delegation for Economic Matters
The President of the French Delegation for Economic Matters
To Monsieur Hemmen, Minister Plenipotentiary,
President of the German Armistice Delegation for Economic Matters

Sir,

In execution of the decisions taken by the German Government with regard to the payment of the costs of occupation, the French Government has, since August 1940, made periodic payments which on 31 October 1941 totaled 183,200,000 francs. It was also obliged to defray certain expenses (particularly the lodging of troops) directly—expenses which amounted, at this same time, to nearly 8 billion francs; and to cover the deficit in the Franco-German clearing account, which is, at the moment, in the neighborhood of 11 billion francs.

The French Government protested several times against the size of this imposition, drawing the attention of the German

* Document 1741-PS was a voluminous compilation of correspondence, file notes, and memorandums concerning this subject matter. It was introduced in evidence before the IMT as Exhibit RF-204. Only a few of the numerous items in this document have been reproduced here.

Government to the grave dangers it entails, both from the financial and from the economic point of view.

Its fears on this point are unfortunately being shown to be better founded every day.

The expenses resulting to the French Treasury from the occupation alone are as high as the expenses of the State itself. The sums paid toward the costs of occupation are also often used to a large extent to defray expenses which have nothing to do with the maintenance of troops.

It is clear that such burdens are disproportionate to the present resources of France and that they can be covered only by treasury expedients.

The national revenue is diminishing continually. If the efforts made in the field of agriculture result in an increase in the productivity of the soil, industrial activity slows down. An increase in taxation would produce a hardly noticeable result, and one must, on the contrary, expect the product of these taxes to diminish more or less rapidly. One is therefore forced to borrow at short call, either from the Bank of France or from individuals and credit establishments, up to 70 percent of the needs. In this way the public debt and the advances from the fiduciary swell at an alarming speed, whatever the effects may be of the measures taken to manipulate certain elements of this debt and to make it less onerous (conversion, consolidation, reduction of rates of interest).

The quantity of means of payment [Aktivmasse der Zahlungsmittel] created to deal with the expenses resulting from the occupation seriously imperils economic equilibrium. Inflation takes place in spite of the efforts of the government to limit its volume and its consequences.

The prices of foodstuffs of daily use and of industrial products are maintained by rationing and taxation, but nevertheless tend more and more irresistibly to rise, and each day it is harder to prevent too rapid a rise in the cost of goods and property.

The increasing abundance of money available is shown both by the increased circulation of bank notes and by the increase in stocks held in private and public institutions.

The monetary circulation, which was about 160 billion francs in June 1940, has today reached the figure of 250 billions; in other words, it has increased by over 56 percent. During the same period, bank deposits increased by about 50 percent.

The smallness of the quantity of goods offered is at the same time accentuated by supply difficulties and by the extent of the requisitions carried out in the occupied zone.

This development is leading to catastrophe like that suffered by Germany 20 years ago.

When the French Government signed the Armistice, it firmly intended reestablishing the economic situation. All its efforts since then have aimed particularly at keeping the monetary situation under control, in spite of difficulties of all kinds and, particularly, in spite of the enormous costs of occupation.

The French Government is resolved to persevere in this path, but it cannot do so usefully if the payments imposed by the German Government continue to render all its efforts useless in advance. It wants to warn it once more.

May I submit, sir, the assurance of my highest regards.

Signed: YVES DE BOISANGER
[Stamp]
The President
French Armistice Delegation for
Economic Matters

2. Telegram from Wiehl, Chief of the Economic Policy Division of the German Foreign Office, to Hemmen, 19 February 1942

Telegram (*Secret Ch V*)

Berlin, 19 February 1942, 1343 o'clock
Wako Paris

Nr. 50 of 19 February Citissime
Matter to be kept under lock C
Att: Mr. Hemmen

[Stamp]
German
Armistice Delegation
for Economic Matters
Wiesbaden
20 February 1942
No. 1309
Enclosures
[Illegible initials]

In answer to report of 3 and 11 February No. 736, and No. 189 of 16 February, and telegram of the 18th No. 43.

1. Reich Foreign Minister has ordered on 16 February that you orally transmit to Governor de Boisanger that the German Government considers the letter of Finance Minister Bouthillier to the Reich Minister of Finance only as a personal statement, not as an official communication of the French Government. In case the French Government wishes to make a statement concern-

ing the question of occupation costs, this should be directed by the authorized French chief of negotiations to the authorized German chief of negotiations. In connection with this communication, you are to warn Mr. de Boisanger (regarding the ending of Mr. Bouthillier's letter) emphatically against an arbitrary discontinuation of the payments for occupation costs by the French Government, and to point out to him that such a discontinuation would create a serious situation and result in corresponding German countermeasures.

2. The Reich Minister of Finance has on 17 February declared that he approves these steps and that he is not going to answer the letter. However, he has suggested an internal discussion of the question of occupation costs, to which the Reich Foreign Minister also agreed regarding the report of the OKW on the actual daily expenditures. The discussion will take place soon in agreement with the competent department and your reports mentioned in the beginning will also be discussed.

3. Reich Foreign Minister, by the way, has issued for all your negotiations the general directive, considered at an earlier date, that you are to break off negotiations and depart for Berlin in case the French assume an attitude which is not becoming to them as the conquered ones.

WIEHL

3. Extracts of a letter from de Boisanger to Hemmen, 4 March 1942

Paris, 4 March 1942
Place du Palais-Royal

French Delegation to the German Armistice Delegation for Economic Matters

Reference: P 276/DE

[Stamp]

German Armistice
Delegation for Economic
Matters
5 March 1942
Del. W. 1650

From: The President of the French Delegation to the German Armistice Delegation for Economic Matters.

To: Monsieur Hemmen, Minister Plenipotentiary, President of the German Armistice Delegation for Economic Matters.

Sir:

I have the honor to inform you of the following, by order of my government:

Ever since August 1940 the French Government has continuously drawn the attention of the German Government to the extremely grave consequence which must necessarily accrue to French economics and finance from payments toward the costs of the occupation.

The French Delegation to the German Armistice Delegation for Economic Affairs has time and again made personal and written representations on this point; the question has also been taken up regularly by members of the French Government and their representatives every time they had a chance to discuss Franco-German problems with the German authorities; lastly, the French Finance Minister considered it his duty, in view of the seriousness of the situation, to make a direct appeal to the German Finance Minister.

The French Government declared, as soon as it was informed of the German Government's demands, that it only agreed under duress to make payments out of proportion to the obligations accruing to it out of the Armistice Agreement; it has protested against the German refusal to differentiate between occupation and operational troops, and against the rate of exchange imposed between the franc and the mark, which enabled the Germany Army, by reason of the very low level of French prices, to effect

enormous requisitions in the occupied territory. Finally, it has proved again and again that the daily payments of 20 million reichsmarks exceeded the total requirements of occupation and operational troops, since the sums placed at the disposal of the German authorities were never sent in their entirety, although they were even used otherwise than for the expenses of the German Army in France (purchases of goods by the Reich, purchases of stocks and shares, etc.).

These representations remained without effect, and those protests were never accepted. Only one series of discussions was opened in May 1941; it continued for over 3 months and had no other result than the reduction of the daily payments to 15 million reichsmarks and an admission by the German Government that this amount could very well be reduced a lot more. Even these concessions were made dependent by the Germans on extremely heavy compensations in the form of transfers which the French Government only accepted for a limited period and in order to facilitate an agreement.

More than 7 months have gone by and this question is still outstanding. It is now impossible to put off a decision any longer, since the effects, on French economics and finance, of the payments exacted under occupation costs are now fully visible.

On 28 February—in other words after 20 months of occupation—France will have paid 219,200,000,000 francs, and another 9,000,000,000 odd under the heading of military accommodation costs. Payments for the year 1942, based on present facts and exclusive of accommodation costs, will reach 110,000,000,000, which is considerably more than the total fiscal receipts of the French State.

* * * * * * *

Will you accept, sir, the expression of my high consideration.

[Signed] YVES DE BOISANGER

[Stamp]

The President

French Armistice Delegation for Economic Matters

4. Note by Wiehl, 10 March 1942, submitted to von Ribbentrop through defendant von Weizsaecker, 10 March 1942, concerning occupation costs

Dir. Ha Pol Nr
Buero RAM with the request for transmittal

Berlin, 10 March 1942

Notes Concerning Occupational Cost Regulation

With the approval of the Reich Minister for Foreign Affairs, all the departments took up again the question concerning the occupation costs.

According to the opinion of all the Ministries expressed unanimously, negotiations with France concerning the occupation costs have become necessary, because a suspension or diminution of the payments on the part of the French was to be feared; on the one hand (Bouthillier-letter), and because the OKW, on the other hand, protested in July 1941, again with determination, against the proposed reduction of the installments to 10 million RM per day because of its current needs in France.

After careful deliberation of the question, all offices, the Armed Forces included, took the point of view that the reduction to 10 million RM should not be conceded to the French as a final settlement on the occasion of new negotiations, but that they should be granted a breathing spell of about 6 months, 1 April–1 October 1942, which should exclude any further discussion of that question until that date. This is of tactical importance insofar as in that manner the old amount of the installments of 15–20 million RM is being maintained, and thereby the important concession of a reduction to 10 million RM as a political concession is left open.

It has been agreed upon that—

1. A current transfer from the existing credit amounting to 2 million RM per day in merchandise and 1 million RM in securities and participations must be insisted upon for the meeting of the so-called external occupation cost [aeusseren Besatzungskosten].

2. The French Government should see to it that the expenditures for the occupation costs figure in the budget in a lawful manner.

3. A general regulation of the absolutely necessary tax, wage and price-reform, and other measures for the prevention of the danger of an inflation must be demanded simultaneously.

The discussion proved indisputably that we had no real efficacious countermeasures at our disposal in the case of an arbitrary suspension or diminution of the occupational costs by France. To

make ourselves paid by sequestering the bank note reserve of the Bank of France or by sequestering French State or private property would only be of temporary efficacy, not to mention the political effect of such a measure of force. This would direct itself very soon against the proper German interest, because the present efficacious French cooperation in the execution of great armament orders and the distribution of orders would suffer strongly by it.

Considering these viewpoints, I ask for the authority to instruct the German Armistice Delegation for Economic Matters in Paris to conduct the negotiations with the French Delegation in that sense.

Hereby submitted to the Foreign Minister of the Reich through the State Secretary.

Signed: WIEHL

5. Telegram from Wiehl to German Armistice Delegation for Economic Affairs, Paris, 4 December 1942

Received 4 December 1942
At: 1600 o'clock

From: AA Berlin
By: Mk.

[Stamp]
German
Armistice Delegation
for Economic Matters
Wiesbaden
4 December 1942
No. 399 top secret

Telegram from Foreign Office, Berlin

To German Armistice Delegation for Economic Matters, Paris

Very urgent

Telegram (Secret, coded, Verf) No. 352 of 4 December

Secret

Reich Minister for Foreign Affairs has ordered the submission of an opinion [votum] with reasons, *whether* the *French potential can bear* the increase of occupation cost payments demanded by us. One must if possible gain clarification before a decision; whether for instance, as result of black market purchasing actions, a development would be started which would lead to conditions prevailing in Greece.

Request *by return* that *documents and standpoint, necessary* for opinion, is wired, if *necessary* in connection with *military commander* and *Embassy.*

Decoded: Buehler

[Signed] WIEHL

6. File note of Wiehl, 8 December 1942, submitted to von Ribbentrop through defendant von Weizsaecker

Dir. Ha Pol 379 Berlin, 8 December 1942

Note

Subject: French occupation costs

Supplementing the note dated 27 November—Dir. Ha Pol 371

According to instructions, I submit in the annex a note of Minister Hemmen about the financial capacity of the French to pay the increased expenditure rates of the occupation, as well as about the dangers threatening French finances arising from the payments of occupation costs, and about the methods to meet these dangers. Minister Hemmen comes to the following conclusion:

1. The increased payments of 25 million RM daily (yearly 182 billion francs) are bearable and by no means dangerous for the French finances. The yearly French national income amounted to 432 billion francs for 1942. The daily per capita war expenses are at present in Germany 2.90 RM and thus six times as high as in France with 0.40 RM.

2. The danger point for the French finances lies in the fact that the French Government has done nothing until now to counteract the threatening inflation which is due to the war expenditures, so that a price increase of 50–60 percent and a devaluation of the franc of about one third took place.

3. Therefore it is necessary to raise—simultaneously with the demand for increased occupation costs—the demand for effective French financial monetary, and price regulations, and to secure their strictest execution under German guidance and control.

This result on the whole corresponds to the decisions of the Economic Policy Committee which were laid down in my former note. As suggested there, it can be demanded from the French to increase the daily part-payments from 15 to 25 million RM; however, as it has been also suggested there, it is to be insisted that the measures which are needed against further price increase should be carried out without delay and in an absolutely effective way. The investigations which were conducted by the OKW and by the Reich Ministry for Finance came to the same conclusion.

In doing so, it is not sufficient to leave this to the French Government alone, but we ourselves have to intercede. The nomination of a special commissioner, with similar tasks as in Greece, will at present not be necessary and not even feasible in France for the simple reason that it would be unwise to entirely un-

burden the French Government of its own responsibilities to maintain the order of economics and finances. But it seems necessary to persuade the French Government to accept a collaboration with one or more German advisers, in order to introduce and carry out the necessary measures. This function could be assigned to Minister Hemmen and to his delegation in such a manner that the negotiations they have conducted until now would be changed into a collaboration with the corresponding French governmental agencies. The necessity for this could be presented to the French Government with the double motivation that, as an occupying Power, our interest is not only in that further inflation should be prevented in France and that we can demand this in our capacity as receiver of the occupation costs on the basis of the armistice contract, but that we also have the same interests on account of the far-reaching interweaving of the French and German industries, which was achieved through mutual free negotiations.

Furthermore, the German side has to do its share that nothing should happen in the further course which would enhance the inflationary tendencies in France. I have agreed with State Secretary Koerner that the Foreign Office and the Four Year Plan should most closely follow further development in this respect and intervene as soon as necessary. State Secretary Koerner has told me that the Reich Marshal announced his decision to curb and, if necessary, to stop the black market action if it should become apparent that it has undesirable consequences in this respect. Also, further liaison will be maintained by the Foreign Office with the OKW, which has already taken provisions to reduce the military expenditures to the absolutely necessary minimum in order to observe permanently this point of view.

In this way, both on French as well as on German sides, everything will have been done to prevent the possible dangers of the payments of increased occupation costs.

Herewith submitted via the State Secretary to the Reich Foreign Minister with the request to approve the planned procedure.

[Signed] WIEHL

Copies to:
Buero Reich Foreign Minister
St. S
U. St. S. Pol
Dir. Ha Pol
Dg. Ha Pol
Minister Hemmen
Ha Pol Frie
Ha Pol II a

7. Telegram from Hemmen to the Foreign Office, 11 July 1944

Konzept/Ss
[Stamp]
Delivered to
Foreign Office
on: 14 July 44
via: Courier

Paris, 11 July 1944 No. 2318
To the Foreign Office, Berlin
Teletype—G—(only from (to) in secret cipher)
[Handwritten] Citissime
No. 87 of 11 July 1944
After cabled order of 8 July—no. 71

I ask for the consent of the Reich Minister for Foreign Affairs to enter negotiations with the French Government on the following basis:

1. The OKW demands an increase of the French occupation cost payments from 25 million RM a day—or 750 million RM a month—plus 50 million RM for Italian occupational costs to 33.3 million RM a day—or 1 billion RM per month—and proposed to the Foreign Office to instruct my delegation to enter negotiations with the French Government to that effect. The Reich Finance Ministry and the Four Year Plan agreed to that demand.

The expenditures for occupational costs have, since the beginning of the year, constantly exceeded the income because of the increasing preparations on the Atlantic coast made necessary by the war. Those excess expenditures were covered by using the remaining credits on the account of occupational costs and by a payment of 1 month of occupational costs in advance which we demanded a short time ago.

These expenses increased to an even larger extent during the last few months, especially since the beginning of the invasion. While they still amounted to 900 million RM in May, they increased to 950 million RM in June and will reach 1,100 million in July. All reserves which were available up to now will be exhausted by the middle of August at the latest. New means for the conduct of war in France must therefore be procured until then according to the demand of the OKW.

2. The income of the French Government from tax sources, and mainly the raising of money through loans and short-term bills of exchange, has on the other side decreased considerably since the extensive paralyzation of the economic life, the industries, and the transportation system in France. The French

Government consequently has been forced for the last few months to use the *advances of money* of the Bank of France at an ever-increasing rate. Those advances increased from *about 10 billions* of French francs to 18 billions of French francs *in May*, and *25 billions* French francs in June. The newly demanded payments will also have to be raised through the use of the bank note credit, that means, through the printing of bank notes.

The French Government can on the other hand hardly be surprised, considering the actual circumstances, if we approach them with the demand for increased payments.

(We know from confidential sources that Laval and Finance Minister Cathala already expect such a demand.)

3. Considering, however, the political necessities and the already mentioned difficult financial situation of France, and in appreciation of the fact that the French Government has kept its financial obligations for 4 years without interruption, I propose the following:

(1) To designate the new increase of payments which has now become necessary, as *temporary* and to leave open the possibility of our readiness to reopen negotiations for an eventual rediminution, as soon as the military situation in France permits.

(2) *Not* to designate that new demand as an increase of the occupational costs in the spirit of the Armistice Treaty, because that demand, which was explicitly motivated by the OKW, as to cover the increased expenses for our conduct of war in France, could only with difficulty be reconciled with the obligation to pay the "cost for the maintenance of our occupation troops," as based on the Armistice Treaty. I recommend rather to present it *as special contribution of the French Government and the French people* for the repelling of bolshevism [crossed-out text reads: "repelling of the Anglo-Saxon invasion of Europe"] and the defense of Europe ["France" crossed out and replaced by "Europe"]. Such a formulation lies in the political line of Laval and his repeated declarations. This does not change the fact that those payments, like the previous increase, will also be made through the account of occupational costs and will thus continue to be treated as such.

(3) In order to provide *also an exterior character* to that idea, I propose to negotiate about a single additional effort of *1 billion RM* to be paid in *monthly installments* of 200 million RM each. At the expiration of 4 months a further contribution by France could eventually be negotiated again, according to the then prevailing military situation.

Embassy has concurred. Signed: HEMMEN

[Illegible initials]

8. Letter from the German Military Commander in France to various German military administration units, 7 September 1944, ordering confiscation of half the French Francs of the Bank of France

Copy Local Headquarters, 7 September 1944

The Military Commander in France

To: Distribution

The French Government has not yet paid the 2 September installment of the occupation costs which were due 21 August. For the securing of funds for the Armed Forces, stationed on French soil, I order the following:

The regional headquarters [Feldkommandaturen] mentioned in the distribution will confiscate at once, half of the cash amounts of francs at the branch of the Bank of France, located in their jurisdiction, and will cause the removal under military guard to the following Reichskreditkassen: Belfort, Colmar, Mulhouse, Strasbourg, Sarreguemines, and Saarlautern. According to the situation at the end of July, the following cash amounts were with the branches of the Bank of France: Belfort 698 million francs, Besancon 642, Epinal 853, Luneville 93, Nancy 1,411, Nevers 1,016, Saint Die 181, Vesoul 227.

Furthermore, 2 billion Francs in thousand-franc notes are in the vault of the Bank of France in Nancy or Epinal, which were brought via transport in the middle of August from Paris to Nancy. These 2 billion francs are also to be confiscated and to be removed.

Signed: KITZINGER
Lieutenant General of the Air Force

Distribution

FK	Belfort	698
	Besancon	642
	Epinal	853
	Luneville	93
	Nancy	1,411
	Nevers	1,016
	Saint Die	181
	Vesoul	227
	[sic]	6,731

+ 2 = 3 billion francs
+ 2 billion francs

5 billion francs were to be confiscated

Order was forwarded by telephone.

9. Letter from the Chief of the Reichskreditkassen to the German Armistice Delegation for Economic Matters, 12 October 1944, reporting on French Francs deposited by the military commander in France

[Stamp]
German Armistice Delegation
For Economic Matters
Wiesbaden
16 November 1944
No. 2971
Enclosures: 1

Berlin C 111
7 November 1944

Chief Administration of the Reichskreditkassen
Journal No. 10906/44
Subject: Your letter of 12 October 1944—No. II 2846

The French moneys in the amount of 2,931,000,000 francs deposited with us by the Military Commander in France have been accounted for by us with the Bank of France, Belfort branch, as per our letter of 25 October 1944, photocopy of which is enclosed.

Chief Administration of the Reichskreditkassen
[Illegible initials]

To the German Armistice Delegation for Economic Matters
(12 b) Salzburg, Hotel Osterreichischer Hof

TRANSLATION OF DOCUMENT EC–267
PROSECUTION EXHIBIT 3823

MEMORANDUM OF GENERAL THOMAS' OFFICE, 10 SEPTEMBER 1942, REPRODUCING THE FIRST PART OF A REPORT ON ECONOMY BY THE ADMINISTRATIVE STAFF OF THE MILITARY COMMANDER IN FRANCE, 1 FEBRUARY 1942

[Handwritten] Report on Economy by the Military Commander, France Administrative Staff, Wi I 580/42 Secret. No. 9210/42 Secret

Wi Z 1/I c 10 September 1942

The Development and Condition of French Industry in the Area of the Military Commander, France, in the Year 1941

The manufacturing and production capacity of French industry which, at the armistice, had large supplies of raw materials and finished goods at its disposal, has, to a very great extent, been

made to serve German war production; it has rendered valuable service to the Reich and to the Armed Forces by raising considerable quantities of goods and sums of money as well as by placing a considerable output at their disposal.

By drawing extensively on the available reserves of workers, particularly by eliminating unemployment almost completely and lengthening working hours to over 40 in numerous factories, it has been possible to obtain the workers necessary to carry out the large scale of orders and, even in the year 1941, also to transfer more than 125,000 workers to the Reich. These were, for the most part, trained specialists more than half of whom were specialists in the metals which are of such special significance to German armament. These successes must be rated the higher since they were achieved under the difficulties which befall French industry due to the loss of prisoners of war—among others, 25,000 forestry and wood workers, as well as 600,000 farmers and agricultural laborers.

In spite of the difficulties resulting from the increasing shortage of various raw and auxiliary materials and from a necessary reduction of the assignments of coal and power for production, it was possible, up to the beginning of winter 1941–1942, to bring the industrial production capacity of the occupied French territory to a peak, and to obtain the maximum production in the interests of German war economy by an effective concentration of French industry on the production of war essential goods. In order to achieve this, the control of factories and orders was intensified and supplies of the necessary raw materials, auxiliary materials, and plants to all indispensable factories were assured. This enables production in armament factories and finishing plants—all supply and primary product factories, and work on the first stage of manufacture, as well as factories working predominantly for Germany or on some vital French requirement which is in Germany's interest—to continue uninterrupted even if the supply of coal, power, and raw materials is held up by weather or enemy activity or should other difficulties arise. As an example of the successes of the intensified control by the offices of the war economy organization, the increase in the supply of iron ore can be taken; in spite of several set-backs in December 1941, it reached the highest figure for supplies to date since the reopening of the mines, so that it was possible to deliver considerable quantities of iron ore not only to the French foundries but also to Belgium, Holland, and to the Ruhr foundries.

At the same time, through this increased factory control, which covered not only the main order but also advance and part deliveries, it was possible to expedite the completion of German

orders and to increase the deliveries. The transferring of orders is of quite considerable significance to German war economy. Since the armistice, German orders amounting to 4.5 billion RM have been placed in France.

In December 1941 alone, the orders transferred and approved by the Central Order Office amounted to approximately 207 million RM. A German debit balance of 900 million RM in the Franco-German trade account has already risen from the shifting of orders and from other multilateral deliveries by French industry, a not inconsiderable preliminary achievement on the part of French industry in the German interests. The iron alloys required to execute these large orders have all been taken over from French factories without Germany returning them for completion; this considerably relieves the German supply situation in this sphere.

Furthermore, valuable service has been rendered to German war economy by making available extensive French supplies of goods of all kinds. Taking only iron, the French contribution amounted to nearly 5 million tons (equal to 73 percent of the yearly amount used in France). In the year 1941, approximately 48,000 tons of copper, 9,000 tons of lead, more than 2,000 tons of tin and other nonferrous metals were transferred to Germany, and a further 14,000 tons of copper as well as considerable quantities of other nonferrous metals, were made ready to be transported to Germany. Even unoccupied France took part in supplying Germany with metals by the delivery of 200,000 tons of bauxite, 32,000 tons of pure aluminum, 26,000 tons of argillaceous earth, and 2,000 tons of magnesium.

These figures mean that the following in either crude or processed form have been put at the disposal of German War Economy since the signing of the Armistice up to July 1942: 225,000 tons of copper (80 percent of the existing French copper supplies); 49,000 tons of lead (60 percent of the lead supply); 9,000 tons of tin (85 percent of the tin supply); and 5,700 tons of nickel (86 percent of the nickel supply) in addition, as well as 80 percent of the magnesium production. The French engine and vehicle industry has also been harnessed to work predominantly for Germany. In this way the total production of locomotives, the greater part of the machine tools, and a large number of freight cars, trucks, and cars have been delivered to Germany. The textile section shows a similar picture of the way in which French industry has been utilized to a far-reaching extent to the advantage of the Reich—71,000 tons of wool; 64,000 tons of cotton; 70,000 tons of rags; and further quantities of linen goods, cellular wool, and artificial silk being delivered to the Reich.

France retained only 30 percent of the normal production of the woolen industry, 16 percent of the cotton, and 13 percent of the linen production for her own use.

In the agricultural sphere it has also been possible to relieve the German war machine of a considerable burden by means of supplies from France, after overcoming considerable difficulties which proved inevitable in connection with agricultural production as a result of unfavorable weather conditions, shortage of labor power, fuel, manure, and phosphates. French agriculture produced the following foodstuffs for Germany and for the Armed Forces during 1941: over a million tons of wheat and oats; 1.1 million tons of hay and straw; 160,000 tons of meat and large quantities of fruit, vegetables, wine, and canned fish; and at the same time provided Alsace-Lorraine with wheat, meat, and vegetables. The delivery of 53,000 tons of edible oils is also worthy of note in this connection.

The difficulties arising as regards transportation—which resulted from the withdrawal of rolling stock, in particular locomotives—and the removal of coal stacks in order to carry out the necessary transportation could be neutralized to a great extent by methods of organization and well thought-out planning. The appointing of the OKH Commissioner for the planning of transportation made it possible to coordinate the demands made by industry on transportation and the transport facilities available, and to deal with an unexpected amount of traffic both on the railway and inland waterways.

[Illegible handwriting]

TRANSLATION OF DOCUMENT NG-4317
PROSECUTION EXHIBIT 3770

LETTER FROM DEFENDANT KOERNER TO SEYSS-INQUART, 20 APRIL 1942, CONCERNING LATTER'S RULING THAT THE NETHERLANDS CONTRIBUTE 50,000,000 REICHSMARKS MONTHLY "TO THE FIGHT AGAINST BOLSHEVISM," AND A MEMORANDUM FROM DEFENDANT KOERNER TO DEFENDANT SCHWERIN VON KROSIGK TRANSMITTING A COPY OF THE LETTER FOR INFORMATION

Copy to Y 5102/1—229 V

The Reich Marshal of the Greater German Reich
Plenipotentiary for the Four Year Plan
The State Secretary

V.P. 5057 g/5

Berlin W. 8, 20 April 1942
Leipzigerstrasse 3

Secret

Dear Reich Minister!

The Reich Marshal has taken notice with satisfaction of your ruling, under which the Netherlands have to pay, as a contribution to the fight against bolshevism, 50 million reichsmarks monthly—10 million reichsmarks of which are to be paid in gold—with retroactive effect from 1 July 1941. The advantages thus gained in a reduction of German debts to the Netherlands is equally as important as the easing up of our gold and foreign currency difficulties which the Reich Marshal has greeted with special appreciation.

I agree—in agreement with the Reich Finance Minister—with your proposal of treating the 500 million reichsmarks reimbursed last year and the proposed amounts as external occupation costs on the condition that the question of raising the external occupation costs will be reexamined at an appropriate time and a new ruling be made according to political expediency and the ability of the Netherlands to pay at the time.

Right from the beginning, the collaboration of the Netherlands with regard to the reconstruction of the conquered Eastern Territories was on the lines of the policy pursued by the Reich Marshal. His general attitude with regard to this problem may be perceived from his letter of 3 January 1942—V.P. 20 005/41 g—to the Reich Minister for the Occupied Eastern Territories and his note of the same day, and also from his letter of 2 February 1942 V.P. 1497/42 g—to the Reich Minister for the Occupied Eastern Territories, of which I am enclosing one copy each primarily for your personal information.*

* The enclosures were not part of the document offered in evidence.

The date and method for the actual employment of Dutch firms and farmers in the East depend on developments in the occupied territories themselves, of which no final survey can as yet be made. I shall be glad to assist in putting into effect practical proposals which, at the present stage, deal mainly with the employment of agricultural experts, or Dutch firms with Dutch workers, for individual tasks.

Heil Hitler!

[Signed] KOERNER

To the Reich Commissioner for the Occupied Dutch Territories, Reich Minister Dr. Seyss-Inquart, The Hague

Subject: Occupation costs in the Netherlands. Your letter of 11 March 1942, File note: Y 5102/1—216 V.

I submit above copy to you for your information.

Heil Hitler!

[Signed] KOERNER

To the Reich Minister of Finance
Berlin W 8

PARTIAL TRANSLATION OF DOCUMENT NI-10105
PROSECUTION EXHIBIT 3429

THREE DOCUMENTS CONCERNING GOERING'S CONFERENCE OF 6 AUGUST 1942, WITH THE REICH COMMISSIONERS AND MILITARY COMMANDERS FROM THE GERMAN OCCUPIED TERRITORIES ON DELIVERY OF FOOD AND OTHER PRODUCTS FOR GERMANY AND THE GERMAN ARMED FORCES

I. Extracts from the transcript of the conference of 6 August 1942

[Stamp]

[Stamp] Secret

The Reich Marshal for the Greater German Reich Plenipotentiary for the Four Year Plan. The State Secretary [Koerner] received: 10 August 1942

137

[Stamp] Secret

Stenographic Transcript of the Conference of Reich Marshal Goering with the Reich Commissioners for the Occupied Territories and the Military Commanders on the Food Situation held on Thursday, 6 August 1942, 4.00 PM in the Hermann Goering Hall of the Reich Aviation Ministry

[Handwritten] To the files 6 August

Dr. Papendieck Hm: [Initials] KL [Klare] 2 October

REICH MARSHAL GOERING: Yesterday the Gauleiter expressed opinions here. Although there may have been variations in emphasis and demeanor, it was evident that they all feel that the German people have too little to eat. Gentlemen, the Fuehrer has given me general powers exceeding any hitherto granted within the Four Year Plan. He gave me additional authorities, pertaining even to the remotest links of our economic structure, whether they be within the State, the Party, or the Wehrmacht. I am, therefore, at this moment shouldering the final responsibility toward the Fuehrer and the nation for the food situation; the mere thought that the German workers are bound to slacken in their output, that above all, German mothers and German women are already showing critical symptoms, is a challenge to my full sense of responsibility.

There are two more things to be taken into consideration. The Fuehrer repeatedly said, and I repeated after him: If any one has to go hungry, it shall not be the Germans, but other peoples. The second thing is—as I have already said yesterday—Germany

at present commands the richest granaries that ever existed in the European area, from the Atlantic Ocean to the Volga and the Caucasus; lands more highly developed and fruitful than ever before, even if there are certain countries included which cannot be regarded as granaries. I need only to refer to the fabulous fertility of the Netherlands, the unique paradise that is France; Belgium too is extraordinarily fruitful, as is also the province of Poznan. Then, above all, what is to a large extent Europe's storehouse of rye and other grains, the Government General, to which are attached such tremendously fruitful regions as Lvov and Galicia where the harvest is exceptionally good. Then there comes Russia, the black earth of the Ukraine on either side of the Dnepr, the area of the Don-bend, with its remarkably fertile and only slightly damaged districts. Our troops have now already occupied, or are in the process of occupying, the excessively fertile districts between the Don and the Caucasus. Also in the East we are controlling some fertile regions; and in the presence of all these facts, the German people are starving. These are regions, gentlemen, such as we never had during the last World War, and yet I have to give a bread ration to the German people, which is no longer to be justified. I have had foreign workers brought to Germany from all regions, and these foreign workers, regardless of where they come from, declared that they had better food at home than here in Germany. This proves to me, that even in the occupied regions, the official rations on paper do not provide the basis of the nutrition, but rather the black market [Schiebung]. In every one of the occupied territories, I see the people fed to bursting point [vollgefressen] and among our own people there is starvation. God knows, you are not sent out there to work for the welfare of the people in your charge, but to get the utmost out of them, so that the German people can live. That is what I expect of your exertions. This everlasting concern about foreign peoples must cease now, once and for all.

I have here before me reports on what you are expected to deliver. It is nothing at all when I consider your territories. It makes no difference to me in this connection if you say that your people will starve. Let them do so, as long as no German collapses from hunger. If you had been present when the Gauleiter spoke here, you would understand my boundless anger over the fact that we conquered such enormous [unerhoerte] territories through the valor of our troops, and yet our people have really almost been forced down to the miserable rations of the First World War.

* * * * * * *

In the Ruhr region, German cities have been raided very heavily. The people have suffered enormously. At the gates of the Ruhr district lies wealthy Holland. It could send much more vegetables into this stricken area than it has done up to now. What the Dutchmen think about it is all the same to me. It would not be quite without advantage, if the Dutch population were considerably weakened in their powers of resistance; they are, after all, nothing but one whole nation of traitors to our cause; I don't hold that against them; maybe I would not act differently myself. But it is not our job to feed a people which is against us at heart [das uns innerlich ablehnt, auch mitzuernaehren]. If this people is so weak that it can no longer raise its hand, if we do not need its labor, so much the better. Once it is so weak, it will also not revolt against us at the time when we might be threatened from the back. In general, I am interested only in those people in the occupied regions who work in armament and food production. They must receive just enough to enable them to continue working. It is all one to me whether Dutchmen are Germanic or not. If they are, they are only all the greater blockheads, and it has already been demonstrated in the past by greater personages how Germanic numbskulls often have to be treated. Even if you are abused from various quarters, you will have acted right—for it is the Reich alone that counts.

As for Belgium, I'll admit that a great proportion of the Belgian population is working for the German interests. Whether or not they are actually working for German interests everywhere, I shall have checked carefully. For, if for example, a factory produces goods to supply everyday needs which disappear in the Belgian economy, these are not goods produced for Germany. I am interested only in those goods that go from there to Germany.

By the way, is there a representative of the Reich Minister of Finance present?

(Exclamation: Yes, sir, Reinhardt!)

Mr. Reinhardt, abandon your customs controls. They don't interest me any more. The German people have nothing anyhow, therefore, they will not let anything get out of the country. I don't care what comes into the country, whether by smuggling or otherwise. I prefer it, if enormous quantities of goods are being smuggled in, than if nothing comes in through the customs channels.

* * * * * * *

With regard to France, I maintain that it is still not cultivated to the utmost. France can be cultivated far differently if the peasants there are forced to work in a different manner.

Secondly, right in France itself the population is eating so well that it is a dirty shame. I saw villages where columns of people walked with their long loaves of white bread under their arms. In small villages, I saw oranges by the basketful, fresh dates from North Africa. Yesterday someone said: It is true, the normal food in these regions comes from the black market; on their ration card they only draw additional food. That is the only way, how the people in France can be so gay, otherwise they would not be.

* * * * * * *

I would say nothing at all—on the contrary, I would think ill of you—if we didn't have a fabulous restaurant in Paris where we can provide ourselves properly with the best food; but I don't want the French to be able to saunter into it. Maxime's* must have the best food for us. Three or four absolutely first-class restaurants for German officers, German civilians; but not for the French. They don't need to eat that way. The people who sit there at lunch and dinner time are the black market operators. They are richer than ever because they make us pay through our noses. It is like seeing the Berlin of 1919 rise again before one's eyes. The same types in those few amusement places, while the whole nation outside is starving, the only difference being that the French are not starving.

But we are not concerned with food here. I have expressed myself so many times on the fact that I regard all of France, which is now occupied by us, as conquered territory. In former times the matter appeared to me to be comparatively simpler. Then one called it plundering. It was the right of the person concerned to take away that which was conquered. Well, practices have become more humane. I intend to plunder, nevertheless, and on a large scale; in such a manner that, starting with Holland and Belgium, I shall send a great number of buying agents with extraordinary powers also to France. They will then have time until Christmas to buy up more or less everything which is to be found in the nice stores and warehouses; and this I will display in the store windows here for the German people; for the German people to buy. It is not my concern to see that every French woman runs about like a dressed-up prostitute. They shall not buy anything new for some time to come. They have anyway too many clothes to wear; on the other hand, too little. I shall show them what it means to represent the interests of the German Reich.

Furthermore, we must keep like bloodhounds on the track of anything that German people can still use. That stuff should

* A well-known Paris restaurant.

be brought here out of the warehouses with lightning speed. Whenever I have issued a decree, I stated repeatedly: soldiers may buy as they please, whatever they please, whatever they can carry. But already it is said: in such and such a store one cannot buy, because it is a Jewish-owned business. Formerly that would not have bothered these people. Then it was the Party that kept on the tail of the Jews, not the economic administration. All at once it was twisted around like this. I have stated: this is out of the question. Then someone thought of something else. An order was issued: as much as a soldier can carry and still salute, *and similar rubbish.* It was said that, for heaven's sake, one could not give the servicemen his monthly pay in cash, etc., otherwise there would be inflation in France. I don't want it otherwise! There shall be such an inflation that everything goes bang! The franc shall be worth no more than a well-known type of paper used for certain purposes. *Only then, perhaps, will France be hit in the way in which we want France to be hit.*

Collaboration is a thing which only Mr. Abetz does.* Mind my words; I don't deal in collaboration. I visualize collaboration on the part of the Frenchman [Herren Franzosen] in the following manner only: If they deliver to us until they are exhausted [bis sie selber nicht mehr koennen], if they do this voluntarily, I shall say, I collaborate with them. If they stuff themselves [alles selbst auffressen], then they don't collaborate; that must be clear to France.

Now you will tell me—Laval's foreign policy. Mr. Laval calms down Mr. Abetz, and for all I care Mr. Laval may enter Maxime's although it is off limits. But, as far as everything else is concerned, the French must be taught that very quickly. They show an impudence of which you can have no idea.

* * * * * * *

For example the scrap metal collection. I just got very interesting comparative figures on this. *France has previously by no means been squeezed dry* [*geschroepft*] *like the German Reich.* You must not forget how many scrap metal collections we have had previously, during the World War and later. A population of 44 millions turned in 11,750 tons of copper, 800 tons of tin. That makes *0.28 tons* [Handwritten: "kg"] per head of population; Belgium turned in 3,400 tons of copper, 28 tons of tin, that makes *0.23 t.* [Handwritten "kg"] per head. The Netherlands with 8 millions of inhabitants have delivered 2,900 tons of copper. They are a point better than France with *0.38 t* [Hand-

* Otto Abetz was the German Ambassador in Paris.

written "kg"] per head. Take away their old milk pots, they are made from copper. The German Reich delivered 55,500 tons of copper, 6,000 tons of tin. That makes 0.77 per head. You see it again and again—as long as Germans are concerned, they are squeezed to the utmost, while Frenchmen, etc., are being handled with kid gloves.

I have here the comparative figures for the import and export surpluses in France for 1938. I won't read them to you, gentlemen, for I am not interested in this. I am not a statistician. I soon forget figures. That is not what I am interested in. It is all the same to me, what they imported and exported, for the circumstances were different. The Frenchmen lived like God in France. The only point that interests me is, what can be squeezed out of the territory now under our control, with utmost application and by straining every nerve, and how much of that can be channeled into Germany. I don't give a damn about import and export statistics of former years.

Now as for shipments to the Reich. Last year France shipped 550,000 tons of bread grain, and now I demand 1,200,000 tons. Two weeks from now a plan will be submitted how it can be handled. There will be no more discussion about it. What happens to the Frenchmen is a matter of indifference to me; 1,200,000 tons will be delivered. Feed grain last year 550,000; now 1 million. Meat last year, 135,000; now 350,000. Fats last year, 23,000; this year 60,000. Cheese—last year they did not deliver anything, so they will supply 25,000 this year. Potatoes last year, 125,000; this year, 300,000. Wine—nothing last year; 6 million hectoliters this year. Vegetables, 15,000 last year; this year 150,000. Fruit last year 200,000; this year 300,000. These are the shipments from France.

Now to the Netherlands. Bread grain 40,000; grain fodder 45,000; meat 35,000; fats 20,000; potatoes 85,000; leguminous vegetables 45,000; sugar 30,000; cheese 16,000; vegetables 1 million; vegetable seeds 10,000—

(Exclamation by Seyss-Inquart.)

1 million should be easy for you. Well, take the entire harvest. You can substitute, after all—a little less vegetables, a little more fats. I don't mind.

Belgium is a poor country. But even so, she is not as poor as you say. She doesn't have to supply bread grains, but because of that she won't receive any either. But in this connection don't forget to supply me with 50,000 tons of grain fodder. They won't get any meat, and I don't want any either. Fats they won't get and I don't want any either. I want 20,000 tons of

sugar, 50,000 of potatoes, 15,000 tons of fruit. Now for Norway. Here is a question of the fish supply—400,000 tons.

TERBOVEN: We shipped more last year!

REICH MARSHAL GOERING: 500,000 tons.

TERBOVEN: Then I must ask that the Navy return the fishing boats to me!

REICH MARSHAL GOERING: I know. We must discuss that with the Navy. You must give me some meat. How much?

(Exclamation: None whatever!)

REICH MARSHAL GOERING: Don't you have any grain fodder either?

(Exclamation: None either!)

TERBOVEN: The Army, too, is largely being fed by me.

* * * * * * *

REICH MARSHAL GOERING: In general, that takes care of the West. Concerning the buying agents [Aufkaeufer]: the clothes, shoes, etc., everything there is, buy it up [alles was es ueberhaupt gibt, aufkaufen]—a special order is to be issued.

Now comes the East. Here I agree with the Wehrmacht. The Wehrmacht renounces the requirements it ordered from the home country. What was it for, hay?

BACKE: 1.5 million tons; straw over 1 million; oats 1.5 million tons. We can't deliver that (?).

REICH MARSHAL GOERING: Well, there you can take barley after all.

* * * * * * *

It is a matter of course that the Wehrmacht in France will be supplied with food by France. That is a matter of course, and I did not even mention it before.

But now Russia. About her fertility there is no doubt. I cannot but pay tribute to the fact that in the southern area—so far I have only seen the southern area—it was possible, in spite of enormous difficulties, to cultivate the land in conjunction with the Wehrmacht; one cannot help marveling at it, despite everything. I must say this—for one who is responsible for these things, it is a feeling of elation to drive through the entire area from Vinnitsa up to Poland. There all the crops stand of unimaginable quality, and I should never have thought it possible to cultivate the land so extensively. Also in Wehrmacht circles we agree that all emergency measures must be taken. This is a matter of course, and I should also like to ask you, Riecke, to take all emergency measures so that aid is given even now, and that the matter is perfectly safe, as it would be a crying shame if this crop got lost.

In this land of Russia, however, there is an unbelievable quantity of hay. The straw is short, but plentiful.

BACKE: But it is still there from the preceding year.

REICH MARSHAL GOERING: Why from the preceding year? Because the straw and hay was taken there from Germany and rotted there. We did not have any trains running regularly. War feeds war! That is now written in capital letters. The Wehrmacht is to be given in addition only what is considered as supplementary matter, chocolate and such things.

* * * * * * *

SAUCKEL: I may be permitted to clarify the following for the Reich Marshal and the Reich Commissioner. It is not for fun that I take the people out of these territories, but because a strict and bitter order exists to this effect. German agriculture alone had to be provided with more than 600,000 workers—today, the figure is already 700,000—because in the last years, more than a million farmers have been called away from German agriculture to the colors.

REICH MARSHAL GOERING: I must say one thing to this. I do not want to praise Gauleiter Sauckel, he does not need that. But what he has accomplished in this short period[1]—to get with such rapidity, workers from all of Europe—this is unique. I want to tell this to all gentlemen: if each, in his respective field, would use only one tenth of the energy which Gauleiter Sauckel has used, then it would really be an easy thing to accomplish the tasks requested from you. This is my holy conviction, and not a manner of talking.

KOCH: I have sent over half a million. After all, he got the people from me, it was I who gave them to him.

REICH MARSHAL GOERING: But Koch, these are not only Ukrainians. Your ridiculous 500,000 people! And how many did he [Sauckel] bring? Almost two million! From where did he get the others?

* * * * * * *

LOHSE: I can also answer this.[2] Only a small fraction of Jews are still alive. Many thousands of them are gone [zigtausend sind weg]. I may state however, what the local population gets; they get, according to your instruction, 15 percent less than the German population.

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[1] Gauleiter Sauckel was appointed Plenipotentiary General for Labor Allocation on 21 March 1942. See Document 1666-PS, Prosecution Exhibit 2605, reproduced later in section XI.

[2] In the German original, Reich Commissioner Lohse's statement appears in the beginning of page 145 of the document. The preceding page, 144, was missing from the document offered in evidence. It is therefore not clear to what question this answer by Lohse refers.

REICH MARSHAL GOERING: But we don't want to go into this little milk bill. What is on your lists is one thing, and what grub the people get is another.

* * * * * * *

Now we will see what Russia can deliver. I think, Riecke, we must succeed in obtaining 2 million tons of bread grain and grain fodder from the whole Russian area.

RIECKE: They will be obtained.

REICH MARSHAL GOERING: We must therefore obtain 3 million apart from the Wehrmacht.

RIECKE: No, what is there is only for the Wehrmacht.

REICH MARSHAL GOERING: Then get 2 million.

RIECKE: No.

REICH MARSHAL GOERING: Then get 1½ million.

RIECKE: Yes. All right.

REICH MARSHAL GOERING: Then oilseed, that is quite open.

RIECKE: That will improve still more.

REICH MARSHAL GOERING: Meat is improving?

RIECKE: Yes.

* * * * * * *

2. Letter from defendant Koerner to defendants Lammers, Darré, Schwerin von Krosigk, and others, 8 August 1942, transmitting memorandum concerning the results of the meeting of 6 August 1942

Berlin, 8 August 1942
W 8, Leipziger Str. 3

[Handwritten] 68

The Reich Marshal of the Greater German Reich
Plenipotentiary for the Four Year Plan
V. P. 13891/3 g.Rs.

[Stamp] Top Secret

[Handwritten] 3 40 copies—copy No.----

Enclosed I am sending you a memorandum [Aufzeichnung] concerning the results of the conference held on 6 August 1942, with the Chiefs of German agencies in the occupied countries and territories.

AS DEPUTY:
[Signed] KOERNER

[Stamp]
Reich Marshal of the Greater German Reich,
Plenipotentiary for the Four Year Plan

Certified.
[Signed] SCHUETZE
Administrative Assistant

[Handwritten]

to a-r, mailed 15 filed [Initials] Sch. [Schuetze]
1–17 copies mailed
18–40 copies to Government Counsellor Dr. S.
18th copy for Dr. Gritzbach
19th copy for Brigadier General von Brauchitsch
[Initials] Schw. 17 August

a. The Reich Minister and Chief of the Reich Chancellery
b. Chief of the Party Chancellery
c. The Reich Minister for Food and Agriculture
d. The Reich Minister of Economic Affairs
e. The Armed Forces High Command, Wehrmacht Operational Staff
f. The Armed Forces High Command, Economic Division
g. Army High Command, Generalquartermaster

[Handwritten] 40 copies
[Illegible handwriting] 17 August put into circulation
[Illegible handwriting] 24 August

h. Army High Command, General Army Office
i. Foreign Office
k. The Reich Minister for Communications and Transport
l. The Reich Minister of Finance
m. The Reich Labor Minister
n. The Reich Minister of the Interior
o. The Reich Minister for Armaments and Ammunition
p. The Reich Minister for the Occupied Eastern Territories
q. Economic Staff East
r. Reich Commissioner for Price Administration

[Handwritten]

s. Colonel Veltjens [Illegible handwriting]
t. Army High Command—Administration Office, Osterkamp

[Handwritten marginal remark]
[Illegible handwriting]

Address and note in files
P. II 7, DI 1 38, F. IV 1, H I 8 DE, D II 3 12

3. Extracts from a memorandum on the results of the conference of 6 August 1942

V.P. 13391/3 g.Rs.

Result of the conference on 6 August 1942, at 1600 hours, with the heads of the German agencies in the occupied countries and territories, under the chairmanship of the Reich Marshal.

The Reich Marshal stated that the absolute necessity of improved supplies [Besserstellung] for the German people with regard to food had clearly emerged from the conference of Gauleiter held the previous day. The occupied countries and territories, he said, would have to make much greater contributions than hitherto to meet requirements, particularly since there was evidence of untenable conditions there in some respects.

A. The Reich Marshal demands the following deliveries of *food supplies* during the next budget year

I. Deliveries to the Reich including the Wehrmacht.

[Handwritten]

			actual quantity 41/42	*quota* 42/43
1. *France*	1,200,000 t	bread grains	550	800
	1,000,000 t	grain fodder	550	800
	350,000 t	meat	135	200
	60,000 t	fats	23	25
	300,000 t	potatoes	--	--
	25,000 t	cheese	--	--
	150,000 t	vegetables	--	--
	300,000 t	fruit	?	?
	6,000,000 hl	wine	1.5	2.5
2. *Belgium*	50,000 t	grain fodder	--	40
	20,000 t	sugar	15	?
	50,000 t	potatoes	--	--
	15,000 t	fruit	--	--

maximum possible deliveries of vegetable seeds.

As far as bread grains, meat, and fat are concerned, Belgium has to subsist [auskommen] on its own production.

3. *The Netherlands*	40,000 tons	of bread grain	--	40
	45,000 tons	of fodder grain	40	40
	35,000 tons	of meat	24	20
	20,000 tons	of fats	9	--
	85,000 tons	of potatoes	?	?
	45,000 tons	leguminous plants	--	35

	30,000 tons of sugar	10	?
	16,000 tons of cheese	--	5
	10,000 tons of vegetable seeds	?	?
if possible	1,000,000 tons of vegetables	480	800

II. Deliveries to the Reich (in addition to the deliveries for the food requirements [Versorgung] of the armed forces stationed in the respective territories).

1. *Norway*	500,000 tons of fish (in addition to the deliveries of fish meal as agreed upon)	½	½
2. *Protectorate*	250,000 t bread grain	181	--
	30,000 t grain fodder	--	50
	155,000 t sugar	110	130

The Deputy Reich Protector promised delivery of above quantities.

The present imports of cattle and meat will be forthwith discontinued.

3. *Government General.*			
	500,000 t of bread grain	42	100
	100,000 t of grain fodder	45	55
	30,000 t of meat	20	25
	280,000 t of potatoes	--	--
	5,000 t of sugar	2	--
4. *Banat and Old Serbia* (for delivery to the Axis powers).			
	200–300,000 tons of grain	240	100
	15,000 tons of fats 25	5	10
	40,000 tons of oil fruits		

Consul General Neuhausen confirms that the quota can be met.

5. *Russia*	3,000,000 tons of grain	550	?
	120,000 tons of oil in form of oil seeds	30	75

meat, fats, potatoes, sugar, spirits, and other products wherever such a levy can be at all justified.

Riecke, Chief of the War Administration, expects to be able to deliver the above mentioned quantities.

B. The Reich Marshal expressed the following views on individual problems

1. *Supplies for the Wehrmacht.*—The Wehrmacht must do without hay and straw supplies from the Reich; all such requirements must be met by the occupied territories. Oat requirements

likewise are to be kept to a minimum. With regard to bread grain, meat, and fats, the Wehrmacht is also to draw supplies from the occupied territories. Only special rations (coffee, chocolate, etc.) and, at the most, small supplementary quantities, are to be made available from domestic German production.

2. *Metal collection.*—The results of the metal collections in France, Belgium, and Holland are unsatisfactory as compared to those of the German collection. Present results must be improved by all means at our disposal. Reich Commissioner Seyss-Inquart stated that a new drive was being initiated in Holland at present.

3. *Purchase of consumer goods in the occupied western territories.*—In order to provide quantities of consumer goods for the German population, especially for Christmas, the large scale drive already inaugurated for the purchase of consumer goods in the occupied western territories is to be carried out energetically. In addition, individual members of the Wehrmacht in occupied territories must continue to be in a position to take home from the occupied territories as large a quantity of food stuffs and consumer goods as they can pay for and carry. It is not necessary to take into consideration any possibility of inflationist symptoms resulting from this practice.

4. *Customs restrictions* at border stations between the occupied territories and the Reich which continue to exist and hamper the traffic are to be abolished. The Reich Minister of Finance is to submit suitable proposals within a week.

5. Support of agriculture in the Occupied Eastern Territories.

* * * * * * *

6. Measures against the partisans.

* * * * * * *

7. Labor allocation.

* * * * * * *

Summing up, the Reich Marshal stated that he did not expect any further memoranda, etc., but desired proposals as soon as possible concerning the implementation of the measures initiated today, as far as administrative measures were involved. State Secretary Backe is to report at frequent intervals on the fulfillment of quotas in the deliveries of food stuffs. After 3 months, the Reich Marshal will report to the Fuehrer on the results of the measures.

Signed: DR. KLARE

PARTIAL TRANSLATION OF DOCUMENT NG–4526
PROSECUTION EXHIBIT 2778

EXTRACTS FROM WIEHL'S REPORT ON THE MEETING OF THE ECONOMIC POLICY COMMITTEE ON 26 NOVEMBER 1942, CONCERNING CHARGES TO FRENCH OCCUPATION COSTS AND RELATED MATTERS

Secret

HPA 848 g
[Handwritten] Pol II g

In verbal and written communications with private individuals, the Economic Policy Committee should not be mentioned, nor should reference be made to its decisions.

[Illegible handwriting]

Meeting of the Economic Policy Committee
on 26 November 1942.

No. 31

Present:

Foreign Office:	Ministerial Director Wiehl Minister Clodius Senior Legation Councillor Dumont Senior Legation Councillor Tannenberg Legation Councillor Schueller Legation Secretary Kegel
Plenipotentiary for the Four Year Plan	Ministerial Director Gramsch Ministerial Councillor Kadgien
Reich Ministry of Finance	Ministerial Dirigent Litter Ministerial Councillor Scherer
Reich Ministry of Economics	Ministerial Councillor Poehlmann Oberreigierungsrat Klesper Ministerial Councillor Seyboth (for Point II)
Reich Ministry for Food and Agriculture	Ministerial Dirigent Straubinger
Reich Ministry for Armament and Munitions	----------
Reich Bank Directorate	Reich Bank Director Reinel
Armed Forces High Command—	
Armed Forces Budget [WH]	Ministerial Director Tischbein Oberstintendant Schellong

Economic Office [Wi Amt]	Lieutenant Colonel Troitzsch Major Roth Captain von Fries
Armed Forces Administration [WV]	Regierungsrat Escher
Economic Warfare [HWK]	Colonel von Mauch Lieutenant Colonel Kayser for Point II
Military Commander for France	Ministerial Director Michel Ministerial Dirigent Reinhardt Ministerial Councillor Baron von Mahs Stabsintendant Hollwich
Armistice Delegation for Economic Matters in Paris	Minister Hemmen Reich Bank Director Hartlieb

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I. France

1. *Occupation costs.*—Ministerial Director Wiehl announces that no directives on foreign policy have as yet been received from the Reich Foreign Minister concerning the handling of the question of occupation costs, and that as a result, the Economic Policy Committee could at the moment determine only the requirements of the High Command of the Armed Forces and of other departments concerned as regards funds for occupation costs. It was also pointed out that the other departments represented on the Economic Policy Committee are not yet in a position to express a final opinion on the question of occupation costs. In this connection, Ministerial Councillor Kadgien announced that the jurisdiction of the Plenipotentiary for the Four Year Plan had not yet been extended to that part of France which we had recently occupied.

The latest expenditure of funds belonging to occupation costs amounted to about 700 million RM. Rough estimates show that the extension of the occupation will probably result in the following increased expenditures:

a. For occupation costs as such.—About 150 million RM a month for troop reinforcements (billeting and current maintenance of troops in southern France and North Africa), as well as fortification installations on the southern coast of France.

Minister Hemmen is to suggest to the French Delegation that in Tunis where, up till now, only notes of the Bank of Algiers

953402—52——52

have been legal tender, notes of the Bank of France be accepted as well for paying our troops.

b. Expenditures not related to occupation costs.—About 100 million RM a month for the Veltjens Operation [Aktion Veltjens].* In this connection, Ministerial Councillor Kadgien announced that the Veltjens Operation has been extended to the entire area recently occupied by German troops, but not to those parts of France occupied by Italian troops. In addition, he stated that from the beginning of the operation down to the end of October 1942, a total of 822 million RM had been spent for the Veltjens Operation, out of funds belonging to occupation costs, and that about 300 [million RM] had been planned for November, and about 350 million RM for December; so that by the end of this year, a total of 1,470 million RM will have been spent for this purpose. The extension of the occupation has not had any effect on other expenditures not related to occupation costs; they will probably continue at the same rate.

Altogether, therefore, it can be expected that there will be an increased requirement of at least 250 million RM a month, in addition, that is, to the previous expenditure of 700 million RM a month, so that the expenditures will total about 950 million RM a month. Since there are only 1090 billion RM in the occupation costs account at the present time, it is expected that as early as the end of December, the account will be exhausted, apart from a reserve of about one-half a billion RM. This reserve is made up of the difference between 1,090 in assets and 0,950 billion in expenditures, plus 450 million RM in installment payments by the French Government, and it absolutely must be retained for already outstanding obligations (payment of requisition certificates, etc.).

At the present time, the expenditures cannot be decreased by economy measures. Wehrmacht expenditures cannot be decreased, because of increased demands upon the military; nor can any reductions be made in the field of black market purchases, because we cannot do without the goods which are still available in France, and which are urgently needed for Wehrmacht and homeland supplies. It is therefore generally considered necessary for the Veltjens Operation to be continued. This situation shows clearly how necessary it is for the problem of occupation costs to be examined and solved as quickly as possible.

* * * * * * *

* Reference is to the operations of Colonel Veltjens, Plenipotentiary for Special Tasks of the Four Year Plan, who directed a staff making black market purchases in western Europe and Serbia. A report from Veltjens on the nature of his activities is reproduced later in this section.

The following explanations are to be given the French Government for the demand for increased daily installments: an increase of 5 million RM a day is required as compensation for the expenses we are now compelled to assume for the defense of North Africa and the southern coast of France against an Anglo-American attack. In this respect, this part of the demand for an increased allocation could even be made retroactive to 11 November, that is to the beginning of the extension of the occupation. In view of the devaluation of the franc and of the resultant general increase in prices (60 percent in the legal market since June 1940), an additional 5 million RM a day are being requested on the grounds that the French Government did not energetically take the necessary preventative measures at the proper time. On this occasion, Minister Hemmen is to demand of the French Government that in the interest of price and currency stabilization and of sound economic and financial conditions, it take the necessary steps even now; in particular, that it decide upon a thoroughgoing financial reform. If the Hemmen delegation does not succeed in forcing through its demand for an increase in installments of 15–25 million RM, it should submit a report. This office will then determine what amounts can be charged to clearing. In this event, Ministerial Dirigent Litter* and Reich Bank Director Hartlieb are requested to draw up a list of the amounts which we can pay into clearing as genuine expenditures not related to occupation costs and included under the category of similar expenditures incurred up till now, and which the French Government can allocate in a lump sum in their corresponding value in francs. The Economic Policy Committee will then examine the question again, if necessary.

Ministerial Director Wiehl will obtain the consent of the Reich Foreign Minister to the suggested procedure.

2. *Deliveries of food* [Lebensmittelforderungen].

* * * * * * *

3. *Deliveries of raw materials.*

* * * * * * *

II. Switzerland

1. *Renewal of clearing agreement.*

* * * * * * *

2. *Easing of Swiss exports to the southeastern area.*

* * * * * * *

Berlin, 28 November 1942

[Signed] WIEHL

* Official representing the Reich Ministry of Finance.

TRANSLATION OF DOCUMENT NG–4199
PROSECUTION EXHIBIT 2487

LETTER FROM DR. BIEHLER, HIGH COMMAND OF THE ARMED FORCES, TO THE REICH MINISTER OF ECONOMICS, 20 NOVEMBER 1942, CONCERNING THE ALLOTMENT OF 244,500,000 REICHSMARKS FROM OCCUPATION COSTS "TO AVOID A STANDSTILL OF PROCUREMENT ON THE BLACK MARKET" IN FRANCE

Copy to Y 5001—476 V [Handwritten] 30 November 42
Secret Reich matter
OKW Berlin W 35, 20 November 1942
2 F 32 Beih. 1 A
493/42 g.K WV (XVI)

Top Secret

[Handwritten] 4416 W 1 (H)—348 Gen. F. Geh.
30 November 42 14 copies—4th copy

Express letter

To the Reich Minister for Economics
For information—
To the Reich Marshal of the Greater German Reich
Plenipotentiary for the Four Year Plan
[Illegible initials]
Reich Minister of Finance
Foreign Office
German Armistice Commission

Wiesbaden

With one N. A. for the German Armistice Delegation for Economic Matters

Paris

Raw Materials Trading Company [Rohstoffhandelsgesellschaft m.b.H.]*
Attention: Dr. Kraney
Berlin C 2
An der Schleuse 12 a
Subject: Appropriation of funds from occupation cost account B.
With reference to: Plenipotentiary for the Four Year Plan—
Plenipotentiary for Special Tasks Az. V EF 3086/42 g of 13 November 1942

* This company was commonly referred to as "Roges." It was a German procurement agency operating in German occupied territories.

In consequence of the reference letter of 13 November 1942, an additional amount of 244,500,000 RM from occupation costs has been made available in order to avoid a standstill of procurement on the black market. [die Beschaffungsaktion auf dem Schwarzen Markt nicht ins Stocken geraten zu lassen.]

Therefore, the General Staff of the Army/Gen. Qu. has been requested to order the Reichskreditkasse, Paris, to transfer an additional amount of 244,500,000 RM in francs from occupation account B to the occupation account A 1 of the Reich Minister of Finance. The settlement of this amount has to be effected with the Reich Minister of Finance.

The Chief of the High Command of the Armed Forces
BY ORDER:

Signed: DR. BIEHLER

TRANSLATION OF DOCUMENT NG-4237
PROSECUTION EXHIBIT 2488

LETTER FROM DEFENDANT SCHWERIN VON KROSIGK TO DEFENDANT KOERNER, 25 NOVEMBER 1942, POINTING OUT THE DANGERS IN BLACK MARKET PURCHASES AND TRANSMITTING VON KROSIGK'S LETTER TO THE REICH FINANCE MAIN OFFICE, 25 NOVEMBER 1942, MAKING 500,000,000 REICHSMARKS AVAILABLE FOR SUCH PURCHASES*

Berlin, 25 November 1942

The Reich Minister of Finance
BV 3006—1717/42 g

[Stamp] Secret

Appropriation of funds for black [market] purchases [Schwarzkaeufe] in the occupied Western territories

I pointed repeatedly to the dangers which are connected, also for German interests, with the black market in the occupied Western territories. Thus far I already put at your disposal 822 million RM for this purpose. Now you are applying for additional 500 million RM for the same purpose, stressing the urgency of the matter.

This sum is designed in substance for black market purchases in thus far unoccupied France, as demonstrated by its high amount. Your Plenipotentiary for Special Tasks, Colonel Veltjens, also set forth here recently that the marching of German troops into unoccupied France would necessitate a very quick appropriation of

* This document is discussed in extracts from the testimony of defendant Koerner reproduced at the end of this section, and in extracts from the testimony of defendant Schwerin von Krosigk reproduced later in this section.

funds to secure war important raw materials; also to buy goods in the French territories newly occupied by Italy. As far as I know, a definite decision has not yet been made whether, and to what extent, France is to be charged with economic and financial contributions in the newly occupied territory; especially also in the zone occupied by the Italians, or reserved to them. Besides, the reserve of francs available for earlier payments of France for occupation costs would shortly be exhausted if used for black market purchases in the amount of RM sums claimed by you so that the covering of the requirement of francs directly needed by the German Occupation Army would be jeopardized. I cannot take the responsibility for these questions which are prejudiced by your present application.

With this reservation, I put at your disposal the amount of 500 million RM, applied for by you, for the purposes of black market purchases in the occupied Western territories.

I attach a copy of my order to the Reich Finance Main Office.

I sent a copy of this letter—without attachment—to the Foreign Office and to the OKW (budget section).

Signed: COUNT SCHWERIN VON KROSIGK

To Reich Marshal of Greater Germany, Plenipotentiary for the Four Year Plan

Attention: State Secretary Koerner, Berlin.

I send you copy for information.

[Signed] KROSIGK

Gen. Ref. of Division I

Attention: Min. Dir. Mayer or his deputy in the building

Copy

Berlin W 8, 25 November 1942

Wilhelmplatz 1/2

The Reich Minister of Finance

BV 3006—1717/42 g

[Stamp] Secret

In connection with my order of 11 November 1942—BV 3006—1694/42 I g—I put at the disposal of the Plenipotentiary for the Four Year Plan the amount of 500,000,000 RM (in words—five hundred million reichsmarks) for purchases on the black market merchandise [Schwarzwaren].

The amounts paid are to be booked as expenditures together with the funds made available till now on a special subsection of individual plan XVII, a part XXIII of the extraordinary (war) budget for the fiscal year 1942, with the design-mark "Central registering of black market merchandise in the occupied territories."

Signed: COUNT SCHWERIN VON KROSIGK

To Reich Finance Main Office [Reichshauptkasse], attention: Director Fiebig or his deputy.

Berlin

TRANSLATION OF DOCUMENT 1765-PS
PROSECUTION EXHIBIT 2460

REPORT OF COLONEL VELTJENS, PLENIPOTENTIARY FOR SPECIAL MISSIONS IN THE FOUR YEAR PLAN, 15 JANUARY 1943, TO, AMONG OTHERS, DEFENDANTS KOERNER, SCHWERIN VON KROSIGK, SCHELLENBERG, AND KEHRL, OR THEIR REPRESENTATIVES, CONCERNING BLACK MARKET PURCHASES IN GERMAN-OCCUPIED TERRITORIES

Berlin W 8, 15 Jan 1943
Behrenstr. 43

The Plenipotentiary for the Four Year Plan
Plenipotentiary for Special Missions
V EF 86/43g

[Stamp] Secret

To—

1. His excellency, the Reich Marshal of the Greater German Reich, Plenipotentiary for the Four Year Plan

a. Attention: State Secretary Koerner, or his representative

b. Attention: Ministerial Dirigent Dr. Gramsch, or his representative

c. Attention: Ministerial Counselor Dr. Kadgien

d. Attention. Ministerial Counselor Legler, or his representative

2. The Plenipotentiary for the Four Year Plan—Central Planning

Attention. State Counselor Schieber, or his representative

3. The High Command of the Armed Forces—

a. Economic Office—Attention: Lieutenant General Thomas, or his representative

b. Special Staff Economic Warfare—Attention: Admiral Groos, or his representative

c. Office of Foreign Intelligence—Attention: Admiral Canaris, or his representative

d. Army Administration Office—Attention: General Osterkamp, or his representative

e. Armed Forces Budget Office—Attention: Ministerial Dirigent Dr. Tischbein, or his representative

f. Armed Forces Administration Office—Attention: Generalintendant Dr. Biehler, or his representative

4. The High Command of the Army, Quartermaster General—Attention: Brigadier General Wagner, or his representative

5. The Reich Minister for Aviation and Commander in Chief of the Air Force—

a. Attention: Field Marshal Milch, or his representative

b. Administration Office of the Air Force—Attention: General Gosrau, or his representative

c. Department GL—Attention: Chief Engineer Sellschopp, or his representative

6. The High Command of the Navy—Attention: Admiral Witzell, or his representative

7. The Reich Leader SS and Chief of German Police—

a. SS Economic and Administrative Main Office—Attention: SS Brigadier General Loerner,* or his representative

b. SS Office for Raw Materials—Attention: SS Colonel Kloth, or his representative

8. The Foreign Office—

a. Attention: Ministerial Director Wiehl, or his representative

b. Attention: VLR. Bisse, or his representative

c. Attention: Minister Hemmen, or his representative

9. The Armaments Ministry—

a. Attention: Reichsminister Speer, or his representative

b. Attention: Oberdienstleiter Saur, or his representative

c. Attention: Commercial Attaché Ruckenbrod, or his representative

10. Reich Minister for Food and Agriculture—

a. Attention: State Secretary Backe, or his representative

b. Attention: Ministerial Director Dr. Moritz, or his representative

11. Reich Minister of Finance—

a. Attention: Reichsminister Count Schwerin-Krosigk, or his representative

b. Attention: Ministerial Councillor von Knorre, or his representative

c. Attention: Oberregierungsrat Nitschke, or his representative

12. The Reich Minister of Economics—

* Defendant in the Pohl case, Volume V, this series.

a. Attention: State Secretary Dr. Landfried, or his representative

b. Attention: Under State Secretary von Jagwitz, or his representative

c. Attention: President Kehrl, or his representative

d. Attention: Ministerial Councillor Dr. Drexl, or his representative

e. Attention: Oberregierungsrat Dr. Goetze, or his representative

13. The Reich Security Main Office—

a. Attention: SS Brigadier General Ohlendorf, or his representative

b. Attention: SS Colonel Schellenberg, or his representative

14. The Reich Commissioner for Price Administration—

a. Attention: Minister Fischboeck, or his representative

b. Attention: Government Councillor Dr. Wurst, or his representative

15. The Auditing Office of the German Reich—

a. Attention: Ministerial Councillor Kuesel-Glogau, or his representative

b. Attention: Amstrat Rueger, or his representative

16. The Military Commander in France—

a. Attention: KVCh Dr. Michel, or his representative

b. Attention: KVACh Freiherr v. Mahs, or his representative

c. Attention: OKVR Bolck, or his representative

d. Attention: Intendant in charge, Generalstabsintendant Lenz, or his representative

17. The Military Commander in Belgium and Northern France—

a. Attention: KV Chief Reeder, or his representative

b. Attention: Ministerial Dirigent Dr. Schlumprecht, or his representative

c. Intendant in charge, Generalstabsintendant Fritsch, or his representative

18. Reich Commissioner for the Occupied Dutch Territories—

a. Reich Commissioner Dr. Seyss-Inquart, or his representative

b. Department of Industrial Economy—Attention: Chief Councillor of Government Dr. Heinemann, or his representative

c. Department of the Four Year Plan—Attention: Mr. Pluemer, or his representative

19. Armed Forces Commander in the Netherlands—

a. General Christiansen, or his representative

b. Intendant in charge, Generalstabsintendant Dr. Geyer, or his representative

20. The Plenipotentiary General for the Economy in Serbia, Consul General Neuhausen, or his representative

21. The Control Office in Paris—Attention: Lieutenant Colonel Koch, or his representative, two copies

22. The Control Office in Belgium—Attention: Lieutenant Colonel V. Parish, or his representative, two copies

23. The Control Office in Lille—Attention: Major Woehlke, or his representative, two copies

24. The Control Office Netherlands—Attention: SS Major Hanke, or his representative, two copies

25. The Control Office Belgrade—Attention: Major Werner, or his representative, two copies

26. The Roges Raw Materials Trading Company—Attention: Director Kraney, or his representative

Enclosed I send copy of my second report of findings for your information

Heil Hitler

Certified. Signed: J. VELTJENS

[Signed] HILLMAN Colonel Air Force

Office employee

The Plenipotentiary for the Four Year Plan

Plenipotentiary for Special Missions Secret

2. Report of findings of the Plenipotentiary for Special Missions

A. *Obtaining of war important goods on the black market in the occupied Western territories and in Serbia*

I. The black market up to the issue of the order to the Plenipotentiary for Special Missions

II. Development of the black market since 1 July 1942

1. General
2. The organization created by the Plenipotentiary for Special Missions
3. Scope of the purchases made to date (per 30 Nov. 1942)

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B. Obtaining of port installations and machines from shutdown plants

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A. *Obtaining of war important goods on the black market in the occupied western territories and in Serbia*

1. *The black market* up to the issue of the order of the Plenipotentiary for Special Missions

The beginning of a black market in the occupied territories can already be ascertained in the time before the German troops entered. It started, however, on a large scale after the German occupation and, as matters were, the occupation authorities could not prevent this. The following reasons have *necessarily* led to its rise.

1. The scarcity of goods in consequence of controlling [Bewirtschaftung] and rationing as a result of hoarding as an escape into material values (particularly in metals), and as a result of removal for the purpose of sabotaging the German military power.

2. The impossibility of enforcing price ceilings completely, and consequently a constant enlargement of the divergence of price between raw materials and finished products on one hand, and between goods and wages on the other.

3. The impossibility of controlling the prices on the German example because of the lack of personnel in the German control organizations.

4. The lack of effective support of the countermeasures by the individual administrative state authorities, primarily in France.

5. The inefficient criminal justice of the individual state criminal authorities.

6. The lack of discipline of the civilian population.

This development was *accelerated*—particularly since the year 1942—by the *attitude of numerous offices of the Armed Forces and other German organizations.* The raw materials and finished products needed by these offices could often not be placed at disposal on the desired scale by the homeland within the framework of existing priority measures. Consequently it often became actually a practice simply to use the way of supply through the black market. The activity of German agencies on the black market gradually reached an *extent which led to increasingly more unbearable conditions;* it was daily routine for the black marketeers to offer their goods simultaneously to several offices for sale, and that office which offered the best price received the merchandise, so that the individual German units in this manner not only snatched the merchandise away from one another, but also inflated the prices.

Finally, the black market dealings took a course *which gave impetus to the most serious fears with respect to market and*

currency policy. The Military Commanders in France, Belgium, and northern France, and the Reich Commissioner for the Occupied Territories of the Netherlands, therefore, took measures during the course of the year 1941 to bring this development to a halt. However, in this respect the lever was not—at any rate not primarily—inserted at the price side because this promised only little success in the face of the internal conditions prevailing in the occupied territories; just as little could a stricter control of prices be considered at that time. The *central occupation authorities rather began to do business themselves on the black market,* with the aim of slowly gaining control of it and then to kill it gradually. These actions can be viewed as the predecessors of the organization of the Bfs [Plenipotentiary for Special Tasks] ; here also the purchased goods were distributed *centrally,* and because the *winding up was also executed through the Roges* (in France) or through the AWG (in Belgium) and the Bfs. himself, in Holland, in conjunction with the department Four Year Plan of the Reich Commissioner on the one hand and the departments of the Reich on the other. The purchase was at times made through a single purchasing agency. However, such a procedure had to be denied the desired success as long as it was not possible to hold off all the other offices from activity on the black market; it would have been a prerequisite for this, that all control authorities in the Reich had instructed the departments subordinated to them accordingly, but this was only done in part.

Finally, *in June 1942, the Plenipotentiary for Special Tasks,* in agreement with all central authorities, was ordered to take charge of the seizure and central control of the black markets. With that, the prerequisite for an effective beginning regarding the problem of the black market—and with it the struggle against it—existed for the first time.

II. Development of the black market since 1 July 1942

1. *General.*—The Plenipotentiary for Special Tasks has, from the beginning on, viewed the purpose of the mission given to him less in presenting the highest possible figures of purchase; the *final aim was set rather to combat the black market,* that is, to bring it to an end.

The starting point had to be, however, that as long as in the occupied territories an essential part of the goods existing, or produced at all, disappeared by reason of inefficient control or various other reasons in the black market, in the interest of supplying the German war economy with the most important raw materials and finished products—as textiles and Post Exchange rations—*seizure of these goods could not be avoided.* One

fact is overlooked again and again; that the black market is not a phenomenon evoked through the activity of the Plenipotentiary for Special Tasks or other departments, but—as is shown under I—has developed necessarily from the economic situation of the market and will exist and have to be exploited in the German interest as long as no way has been found to break it up completely; or, at least, check it to the extent that the amount of goods caught through it are meaningless within the framework of the total supply. However, the figures given later on in detail show that for the time being there cannot be any question about it.

But the figures given later on show also that the purchases made on the black market could contribute essentially to the covering of many gaps in the supply of the German war economy without impairing the quota of deliveries in the occupied territories. Therefore, the purchases can already for this reason *not be refrained from as long as it has not been established that the goods can be secured in another way.* The objection that these goods could have been secured anyhow within the frame work of the normal supply—and then much cheaper—is incorrect. A typical example is the result of the *last negotiations with France regarding leather goods.* Upon the desire of the Reich Minister of Economics, the Plenipotentiary for Special Tasks had agreed to stopping the purchases on the leather and hide market, if the French, who had complained about the German buying activity on the black market, would oblige themselves *to deliver additionally in 1943* the same amount which had been bought in 1942 on the black market; the French declared that they did not feel in a position to do this. The objection mentioned is overlooking the fact that merchandise which had once been withdrawn from production, or had been produced illegally, will never again become "white." What is done cannot be undone; the black market is in existence and would also exist, without any doubt, if not a single German department would work in this field. *The black market receives new impulse again and again;* on the one hand, from the supply side.

(1) from the large hidden *stocks* still in existence;

(2) from the *illegal production* which is taking place continuously (this subject will have to be investigated later on more in detail);

(3) in France—at any rate up to date—through continuous *supply* from the unoccupied territory.

On the other hand, with the always increasing scarcity of goods, every item finds a buyer, either from the civilian population or industry, or through purchases on the part of the Italians, Swiss, Spaniards; yes, numerous purchases could even be ascer-

tained—in particular in unoccupied France—by the English or—evidently through British instigation—from neutral sources, as for instance, the Portuguese, which do not serve any other purpose than that of depriving Germany of the merchandise.

The consequence of such sudden cessation of purchases through the organization of the Plenipotentiary for Special Tasks would therefore only be that a considerable source of raw materials and war-important finished products will dry up without thus achieving the end of the black market. Besides, it has to be doubted with good reason that it would be possible to keep up the prohibition of purchases which was issued to the German departments in the occupied territories, if the delivery by the organization of the Plenipotentiary for Special Tasks would suddenly cease. This applies particularly for the cases of the *so-called immediate-need* [*Sofort-Bedarf*]. The conception that the black market will come to an end if no more is bought on the part of the Germans, is incorrect.

[Handwritten marginal note] "Yes, our work has to begin here; with it we hit then the French black market primarily."

The central purchasing organization of the Plenipotentiary for Special Tasks, for instance, *does not* buy *agricultural products* (only some particularly reasonable items in price have been bought, which however, are not at all worth mentioning within the framework of the total supply); nevertheless, the black market is the most significant just on this sector.

It has been explained that further activity on the black market at the scale up to date will, on the long run, not be bearable any more for the budget of the Reich. However, in this respect it has to be pointed out that the greatest part of the purchases—that is the ones made *in France*—have been financed from the French *costs of occupation.* Of 1,107,792,819 RM, the total amount of purchases (RM 929,100,000) have been financed from French occupational funds. Therefore a debit to the budget of the Reich did not arise to this extent.

The claim that the black market, or the activity of German departments on the black market, would bring about an increasing decline of the *currency* in the occupied territories cannot be recognized as the truth. The decline of the currency which has in part actually occurred already, is not a consequence of the black market but, on the contrary, the inflationary intendencies accompanying the increasing scarcity of goods have evoked the rise of the black market.

At this place it will not be necessary to elaborate on the advantages of a *centralized* obtaining of the purchase on the black market; only two points of view shall be emphasized—

(*a*) While, in the time before the commissioning of the Plenipotentiary for Special Tasks, the prices on the black markets rose always further—for the most part a consequence of the mutual competition of the individual German buyers—it has since been possible to stabilize the prices of most goods, and this in spite of the fact that the *general* level of prices in the occupied territories has risen further.

(*b*) While, until the commissioning of the Plenipotentiary for Special Tasks, the individual German departments received and used the goods purchased by themselves, uncontrolled, without regard to the degree of necessity, the *distribution* now takes place within the scope of total planning by the Reich according to the degree of *urgency*.

In summarizing, it has to be said that, in the face of the supply situation of the Reich, *it cannot be refrained from skimming the black market now, as before,* as long as there are still concealed stocks of war-important goods. With regard to this higher interest, all other points of view have to remain in the background.

2. *The organization created by the Plenipotentiary for Special Tasks.*—In his report of the end of August 1942, the Plenipotentiary for Special Tasks has presented in detail the organization created by him for the getting hold of and centralized control of the black market. Therefore here a short review only shall be given.

The general control and supervision of the purchasing activity is the task of the supervising offices newly created for this purpose.

They are—

a. *Control Office France,* with its seat in Paris.

b. Control Office Belgium and Northern France, with its seat in Brussels.

c. Control Office Belgium and Northern France, Lille branch, with its seat in Lille.

d. Control Office Netherlands, with its seat in The Hague.

e. Control Office Serbia, with its seat in Belgrade.

Principle and directives for the execution are on the one hand "the instructions for the winding up of stocks of merchandise of uncertain origin" issued by the Plenipotentiary for Special Tasks in agreement with the military commanders of the Reich Commissioner for the Occupied Dutch Territories and, on the other hand, the contracts concluded by the *Roges Raw Material Trading Company* with the purchasing organizations. The purchases themselves are made by a restricted number of authorized *purchasing organizations* of which there are in France, 11; in Belgium, 6; in the Netherlands, 6; and in Serbia, 3. Thereby the

total purchasing activity is subordinated to the central supervision of the Plenipotentiary for Special Tasks. *Each purchasing organization* is only authorized for a quite definite kind of goods. The engagement of a number of purchasing organizations which will, on first sight, appear comparatively high, was necessary, because the black marketeers, by experience, want to sell for the most part only to certain departments with which they have cooperated before already, and because they refuse to cooperate with other buyers whom they did not know previously; it has to be taken care, however, that none of the existing sources be dried up. Participation has been prohibited to all other departments by corresponding orders of the central authorities in the Reich, the Military Commanders and/or Reich Commissioners.

The financing of purchases and the transportation of the goods will be taken care of by the Reich-owned Roges m.b.H.; the goods are then distributed according to the urgency of the individual consumers in agreement with the *instructions of the centralized planning* or the departments charged by the centralized planning. It is the additional task of the Roges m.b.H. to level the purchasing prices down to the German internal price; lower prices, however, will not be granted for deliveries to the Armed Forces, authorities, and—in case of investment goods—to big plants. The adherence to the directives is guaranteed by the fact that the purchasing organizations at each offer may only then perform the transaction if the supervising department has given its permission through an expert. The experts, for their part, will make their decision on the basis of the price and quality limits given by the Plenipotentiary for Special Tasks or the Reich departments.

3. *Scope of the purchases made to date (up to 30 Nov. 1942).*

a. Since the beginning of the action (that is, since purchases have been directed, centralized by the military commander and/or Reich Commissioner with centralized distribution of goods in the Reich).

Up till now, since the beginning of the action, purchases have been made in the total amounts of RM 1,107,792,818.64, of which—

in France RM 929,100,000.00.
in Belgium RM 103,881,929.00.
in Holland RM 73,685,162.64.
in Serbia RM 1,125,727.00.

Payment takes place in France from the funds for occupation; in the other countries through clearing.

In the following is a statement of the quantities involved.

(1) *Metals.*—66,202 tons to the value of RM 273,078,287.00 of which there are—

(*a*) Nonferrous metals 58,742 tons, in particular copper and copper-containing material (34,000 tons); lead and lead alloys (14,500 tons); furthermore (in the succession of quantity), zinc, aluminum, tin, nickel, magnesium, antimony, manganese ore

(*b*) Material containing iron (tools, junk, etc.) 7,460 tons

(2) *Textiles.*—To the total value of RM 439,040,000.00, of which there are—

22,672,000 pieces of linen, suits (particularly workers' clothing), overcoats, etc
5,488,000 kg yarn and miscellaneous
40,642,000 cloth and ribbons
10,072,000 pairs of gloves, suspenders, etc

(3) *Leather, skins, and hides.*—To the total value of RM 120,754,000.00 of which there are—

5,053,000 kg raw hides
3,390,000 square feet of finished leather
1,783,000 pieces of hides, chamois, etc
801,000 pairs of shoes
694,000 kg leather for soles and other shoe soling articles

Furthermore was bought—

1,330 tons industrial oils and fats
346 tons food oils and fats
Wool
Household articles
Post exchange goods including paper articles
Wines and alcoholic drinks
Equipment for engineers
Sanitary necessities
Sacks

The excessive price points [Ueberteuerungsfaktoren] of essential goods are at the present time the following:

	France	*Belgium*	*The Netherlands*
Metals	9	9	5–6½
Textiles	4	6½	5
Hides	6½	6	4
Leather	6½	6	6

Since the beginning of the action the following items were bought in *France*—against payment from occupation funds:

Metals	RM 248,000,000.00
Textiles	RM 340,000,000.00
Hides, skin leather	RM 112,000,000.00
Wool	RM 3,000,000.00

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Oils & fats (for industrial and food purposes)	RM	12,000,000.00
Household goods	RM	46,600,000.00
Post exchange goods	RM	33,000,000.00
Wines and alcoholic drinks	RM	50,000,000.00
Sacks	RM	10,500,000.00
Paper and packing material	RM	5,000,000.00
Food and pleasure items	RM	33,000,000.00
Sum carried over	RM	893,100,000.00
Chemical products	RM	8,000,000.00
Sanitary necessities	RM	12,000,000.00
Miscellaneous	RM	16,000,000.00
Total Sum	RM	929,100,000.00

Since beginning of the action the following items were bought in *Belgium*—against payment by clearing:

Metals	RM	13,784,000.00
Textiles	RM	43,755,000.00
Leather, skins, and hides	RM	4,030,880.00
Wool	RM	2,179,720.00
Industrial oils and fats, Chemical products, Food—oils and fats	RM	3,815,159.00
Household goods	RM	2,512,912.00
Furniture	RM	418,035.00
Paper and packing material	RM	5,561,268.00
Food and pleasure items	RM	3,393,955.00
Engineer equipment	RM	7,500,000.00
Miscellaneous	RM	16,931,000.00
Total Sum	RM	103,881,929.00

Since beginning of the action the following items were bought in the *Netherlands*—against payment through normal bank transactions:

Nonferrous metals	RM	6,706,744.00
Textiles	RM	55,285,568.00
Wool	RM	753,878.00
Leather, hides, and skins	RM	4,723,130.00
Wooden barrels	RM	254,982.00
Furniture	RM	272,990.00
Food and pleasure items	RM	590,859.00

Chemical and cosmetic articles	RM	152,191.00
Various iron and steel goods	RM	3,792,166.00
Sum carried over	RM	72,532,508.00
Rags	RM	543,416.00
Motor oil	RM	52,284.00
Uncut diamonds	RM	25,064.00
Miscellaneous	RM	531,890.00
Total Sum	RM	73,685,162.00

In *Serbia* was bought against payment through clearing—

Nonferrous metals in the amounts of ..... *RM 1,125,727.00*

The action began here only in the month of November. *Up to date, the goods charged to the receivers by Roges amounted to a total of RM 86,094,910.06.*

The reasons why, at a total delivery of RM 1,107,792,819.00, *no larger quantities could be completely wound up,* are various (aggravation of the winding up through the procedure in fixing the prices; difficulties in transportation; lack of personnel). The Plenipotentiary for Special Tasks has instigated measures in order to accelerate the wind-up in the future.

b. Since the beginning of the activity by the Plenipotentiary for Special Tasks, on 1 July 1942, the following was bought (up to 30 Nov. 1942):

Altogether for RM 840,382,893.00 of which—

Metals	RM	174,982,697.00
Textiles	RM	318,013,354.00
Leather, skins, and hides	RM	82,265,070.00

The figures mentioned above comprise roughly about the same period of time (1 July–30 Nov., i.e., 5 months) as the purchasing action of the Military Commander and/or the Reich Commissioner before commissioning of the Plenipotentiary for Special Tasks (in France, 6 months; in Belgium, 2 months; in the Netherlands, 7 months); the figures are, however, several times higher (RM 840,382,893.00—in contrast to RM 267,409,926.00). This proves more than anything else that, and to what degree, the concentration of purchases on the black market through the organization of the Plenipotentiary for Special Tasks, and the placing of the purchased goods at the disposal of the total planning of the Reich, succeeded.

[Illegible Handwriting in Margin]

III. The further development

There is not any doubt that the black market as such, *from the viewpoint of political economy, is extremely undesirable, and*

that therefore, everything has to be attempted to bring it to an end. In this respect it is also necessary that the German purchasing activity be *stopped* as soon as possible. But on the other hand, as has already been explained above in detail, the delivery of war-important raw materials and finished products cannot be refrained from. The Plenipotentiary for Special Tasks therefore had made his own suggestions to the departments involved, to the effect the *purchasing activity be abandoned by degrees if the black market is suppressed by corresponding measures;* in this respect it must be certain, however, that the quantities of goods which flowed up to date to the black market will now go into the "white" production and into normal trade. Naturally, however, repressive measures have to precede this; only then can the gradual abandoning of the purchasing activity take place in order to impair the total influx of goods as little as possible.

In examining the measures to be taken for the fight against it, a distinction must be made between the *sources from which the black market is fed.* First, there are the *concealed stores* established for most varied reasons, whose sale will bring a one-time flow of goods. Second, the black market is fed by continuous *illegal production.* It is certain that, with continued duration of the war, the second mentioned source will gain more and more in importance; therefore, special attention has to be paid to it.

The *illegal production* has its cause—aside of the general lure of higher prices—in the fact that the price divergence between raw materials and finished products has partly become so great that it cannot be bridged any more within the framework of normal production without endangering the solvency of the enterprise. Often the capacity of the enterprise is exploited only incompletely, so that the entrepreneur—even if it is only in order to avoid a shutdown—turns to procurement of raw materials illegally in order to produce beyond his quota, that is, illegally. Previously, *the purchases in unoccupied France,* which were sent on special routes into the occupied territory, formed a third and considerable source. It remains to be seen whether it is not possible to supervise production in the up-to-now unoccupied part of France on a stricter basis so that, here also, the fight against the black market can be initiated.

According to the conception prevailing here, the *following measures for the removal of the black market* would have to be effected:

1. Enlargement of the *price control*—as an increase in personnel of the German departments entrusted with the super-

vision does not (or only at a restricted scale) seem possible, the administrative authorities of the individual state have to be constrained to show more activity.

2. The enactment of *severer penalties* for violations against measures of economic control taken in accordance with the German example, because only then can the lack of discipline in the civilian population resulting from their individualistic and liberalistic attitude be removed. A *supervision of the verdicts* of the penal authorities of the individual states seems to be recommendable.

3. The announcement of *awards for reporting* violations against measures of economic management amounting to a not too small percentage of the value of the objects confiscated on the basis of the report.

4. Engagement of *spies and agents provocateurs*—besides for the *prevention of illegal production.*

5. *Shutdown of all plants* which are not manufacturing for war purposes.

6. Stricter shutdowns or joining of plants whose capacity is *exploited incompletely only.*

7. *Stronger control* of the production in factories.

8. Stricter checking in the allotment of raw materials for the distribution of orders.

9. A *price policy* which gives to the enterprises sufficient prices and guarantees them existence.

In order to create for the purchasing organizations of the Plenipotentiary for Special Tasks the basis for purchasing activity on the black market in the face of the administrative authorities of the individual state in the occupied territories, the Plenipotentiary for Special Tasks has *in Belgium* and the Netherlands effected a *"decree on the clarification of unexplained goods"* or a "general decree." Hereby the control offices and their purchasing organizations were given simultaneously the possibility of approaching, *through purchases of goods, the source of error in management* [*Bewirtschaftung*] and control. In accordance with it, a suggestion was made by the Plenipotentiary for Special Tasks, also to *Ambassador Hemmen for France,* which will result in the issue of such a decree for France also in cooperation with the Military Commander.

Most important, and promising of success for the beginning, appears the measure outlined in (2), whereby the initial effort should be made toward commerce, and there again first *toward retail business.* As soon as a number of draconic penalties has occurred, the retail dealers will, in their own interest, refrain from buying excessively priced merchandise from the whole-

salers and manufacturers. The latter face then only the organizations of the Plenipotentiary for Special Tasks; then it could be started by degrees to let the illegal producers crack up. The Plenipotentiary for Special Tasks has in this respect already performed certain preliminary work by directing part of the purchasing organizations to try to approach the manufacturers, bypassing the black market traders.

The repressive measures mentioned above—particularly under 1 and 2—*have to be performed in close cooperation with the individual state authorities;* it is recommended that *as soon as possible, proper measures be taken on the part of the German occupation authorities.* The measures have to be accompanied by purposeful *propaganda* of *press* and *radio* (branding the black market as a crime against one's own people), in order to build psychologically a foundation for the strict measures with the population, and to rouse it to cooperation.

Further, the French and Belgium Governments and economic circles—among others also the *French Chief of Government*—have lately found it necessary to complain about the organized German purchasing activity. In the face of such representations —aside from various other arguments—it should be pointed out that also, on the part of Germany, the greatest interest exists in the disappearance of the black market; but *its existence* is, in the main, *the fault of the government authorities themselves,* through their *incapability in the supervision of prices and their laxity* in penal prosecution, whereby lack of discipline is bred *within their own population.*

B. *Obtaining* [*Beschaffung*] *of Port Installations and machines from shutdown plants*

I. Harbor installations

A large amount of harbor equipment exists in the occupied Western territories which, at the present time is not, or is insufficiently, used. On the other hand, in the Eastern territories, as well as partly in the Reich, there exists an urgent need for such harbor installations. The Plenipotentiary for Special Tasks has therefore received the directive to seize these idle potentialities, in agreement with the departments involved. The determination of the objects to be shipped is up to the *Reich Commissioner for Navigation* and/or those needing the goods, after confiscation by the responsible Navy department. The Plenipotentiary for Special Tasks effects the financial settlement and puts the objects for installation at the disposal of those needing them. So far installations of that kind could already be provided for Oslo and for Hamburg; further transactions are in the process of being executed.

II. Machines

Another task of the Plenipotentiary for Special Tasks is the seizure of *machines from closed-down plants.* It is certain that large potentialities, particularly in machine tools which are badly needed at home for the armament productions, are at the present time still idle. In agreement with the Plenipotentiary for Special Tasks, the Military Commander and the Plenipotentiary for the Production of Machines, a so-called Arbitration Office for Machines [Maschinenausgleichstella] was established at the Armament Inspectorate in *France.* Similar Arbitration Offices for Machines will be established in Belgium and the Netherlands. One of the main difficulties in this field lies in the overcoming of the resistance of both the owner of the plants involved and the individual state authorities in the occupied territories. Here the occupational authorities will have to employ all their initiative in order to break this resistance.

C. *Christmas Action*

At the end of August 1942, the Plenipotentiary for Special Tasks received a further special task, that is, the providing of Christmas presents for the German people. Initially the action was calculated to amount to RM 300,000,000 (*internal price*). This task was undertaken immediately with all possible vigor, though it could be foreseen that the providing and transportation of such quantities of goods in the comparatively short time available until Christmas could hardly be achieved. As the providing should, if possible, take place in the normal way—by payment through clearing also in France—and *not* on the black market, an organization had first to be created in order to master this task.

Actually it was possible to provide goods to the value approximately RM 244,000,000 (*purchase price*) up to the 20 December 1942. But on account of the difficulties of transportation occurring in conjunction with the political events in France, as well as the procedure necessary for fixing the prices and other reasons, it was impossible to bring all of these goods to Germany and to make them available for sale on time. 2,306 boxcars with 11,138,-229 kg; and further, by ship, 6,335 bales of goods with over 100,000 kg, arrived in Germany. In the first place they comprise cosmetics, toys, and in general, gift articles. Distribution was primarily made in bomb damaged regions as well as in the big cities of Berlin, Vienna, Hamburg, Breslau, and Koenigsberg, and in the industrial region of Waldenburg and Upper Silesia. A conclusive report in the Christmas Action will be presented in the course of the month of February. If an identical action should be contemplated in the year of 1943, on the basis of experiences made, it would have to be started in the course of the month of March.

D. *Miscellaneous*

Recently a report has been made to the Plenipotentiary for the Four Year Plan on the other fields of activity of the Plenipotentiary for Special Tasks, so far as the providing of additional shipping space for war-important purposes is concerned.

A report on the special imports by way of blockade running is anticipated.

On the orders issued recently—

a. In the field of so-called "commodity-arbitrage"

b. The economic use made of enemy property

a report will be rendered at opportune time.

Berlin, 15 January 1943. Signed: J. VELTJENS
Colonel of the Air Force

2. TESTIMONY OF DEFENDANT KOERNER

EXTRACTS FROM THE TESTIMONY OF DEFENDANT KOERNER[1]

DIRECT EXAMINATION

* * * * * * *

DR. KOCH (counsel for defendant Koerner): I now leave the subject of Lorraine and turn to the subject of spoliation in the remainder of France. I don't want to touch on general questions concerning spoliation here, but will limit myself to what the prosecution has submitted specifically against Koerner, that is in particular, the subject of black market purchases in France. Mr. Koerner, please look at document book 88. You will get it in a minute. First, Document NG–4237, Prosecution Exhibit 2488.[2]

PRESIDING JUDGE CHRISTIANSON: Which book "88" do you mean? There are several.

DR. KOCH: Prosecution book 88. Yes, well, I just say it is one of the last. It is page 437 of the German text, and in the English I haven't been able to look it up because I didn't get the English book. Exhibit 2488, that is a letter from the Reich Minister of Finance[3] to Goering dated 25 November 1942. I presume the Court will find it somewhere between page 215 in book 88–I

PRESIDING JUDGE CHRISTIANSON: This is Document 4237, is it not?

[1] Further extracts from the testimony of the defendant Koerner are reproduced in volume XII, sections VI B, VI H; and in this volume, sections X C 2, X E 2, and XI C 1.

[2] Reproduced earlier in this section.

[3] Testimony of defendant Schwerin von Krosigk, then Reich Minister of Finance, concerning a number of matters bearing on the spoliation charges, including black market purchases, is reproduced later in section G.

DR. KOCH: Document NG–4237.

PRESIDING JUDGE CHRISTIANSON: That is right, of book 88–II.

DR. KOCH: That is a letter of the Reich Minister of Finance dated 25 November 1942; a copy of this letter which was sent to Goering was passed on to you. This concerns the availability of means for black market purchases in the occupied territories—in the occupied western territories, to be accurate. The Reich Minister of Finance now draws Goering's attention to the grave misgivings against the continuation of such black market purchases. The Minister says that he cannot take the responsibility for the economic consequences and economic policy which he fears.

Do you remember this letter, and did you get it?

DEFENDANT KOERNER: Yes, I remember it very well. The black market purchases in the occupied western territories were a matter in which Goering himself was very interested, in the interests of his Luftwaffe. For that reason he appointed a comrade from the First World War, Colonel Veltjens, to be plenipotentiary for the carrying out of black market purchases in the occupied western territories. Concerning the difficulties that resulted, a lot had been said often.

Q. The Tribunal knows the details from a number of testimonies of witnesses. I won't go into detail about it here. I just ask you, Mr. Koerner, to tell the Tribunal to what extent were you yourself concerned with this matter.

A. The assignment for Veltjens was given by Goering directly in Paris without any assistance on my part. On account of the difficulties which resulted later, I was repeatedly questioned by them and I made official trips to France. In addition, I knew that these questions had repeatedly been discussed in a very lively manner in the Economic Policy Committee in the Foreign Office.

Q. I would like you to refer the Tribunal to the testimony of the witness, Hemmen,* who was heard before the Court, where all details of these black market purchases were discussed. Mr. Koerner, how did you react to this letter from Reich Minister Schwerin von Krosigk?

A. The letter of the Reich Minister of Finance was used by me as occasion to point out to Goering on my own account that the black market scheme which he had ordered as a temporary solution could not continue in the long run. I repeatedly talked to Goering about that and finally achieved that in the spring of 1943, Goering consented to stop the black market purchases.

* Hans Richard Hemmen, Chief of the German Armistice Delegation for Economic Matters. His testimony is recorded in the mimeographed transcript, 23–25 March 1948, pages 3943–3959 and 4138–4216.

DR. KOCH: I would like to refer the Tribunal to the fact that I am coming to a new document which makes a very lengthy discussion necessary. Would you like me to begin it?

JUDGE POWERS, Presiding: Yes.

DR. KOCH: Book 109, Mr. Koerner. This contains stenograpic minutes—well now, this contains—

JUDGE MAGUIRE: Just a moment. Counsel, is that 109 or 119?

DR. KOCH: 109. That is the stenographic transcript of this famous or infamous meeting between Goering and representatives of the occupied territories on 6 August 1942.

First of all, were you at that meeting?

DEFENDANT KOERNER: Yes.

Q. How did this meeting come about?

A. This meeting was not one which had been prepared long in advance. The Party, most specifically the Gauleiter, had attacked Goering to a considerable extent because it was found that in the occupied territories food conditions were in part far better than the Reich. Every soldier told that who came home on leave and that was also confirmed by foreign workers working in Germany. Goering at that time was reproached with not sufficiently seeing to readjustment.

JUDGE POWERS, Presiding: Might I interrupt? Did you give us the exhibit number, Counsel, of this document?

DR. KOCH: It's the whole of prosecution document book 109. That is just one document, Document NI–10105, Prosecution Exhibit 3429.*

You are mentioning, Mr. Koerner, that the soldiers and the workers in Germany maintained that the food abroad was better than in Germany. Just wait a little longer and then continue.

DEFENDANT KOERNER: I have already said that Goering was reproached with not sufficiently seeing to readjustment; all the more since Germany at that time was suffering badly from enemy air raids, while at that time they had not yet spread to occupied territories.

Q. And what was the immediate cause of this meeting?

A. At that time Goering had, 1 or 2 days earlier, asked the Gauleiter to come to him for a conference. This conference, as I see from the document, took place on 5 August. On the same day I heard that on this occasion Goering was very much put on the defensive by the Gauleiter concerning the bad air raids on German towns. As a result, Goering, the next day at the meeting with the representatives of the occupied territories, went on over to the attack all the more so since at this meeting several Gauleiter were present.

* Reproduced in part earlier in this section.

Q. Goering must have had some sort of data for his demands. Did you submit those to him or from whom did you get them, do you know?

A. Just before the meetings, or perhaps in the meeting itself, I am no longer certain, Goering received the necessary figures and data from Backe[1] concerning supplies from the occupied territories as agreed previously with representatives of the occupied territories.

Q. And did Goering read out the same figures, that is, did the data correspond to what Goering demanded in the meeting?

A. Not at all. Goering, on the contrary, spontaneously as he often did, just increased these figures by 100 percent.

Q. And how did the representatives of the occupied territories who were present react to that?

A. Of course there was general consternation. Goering, however, was going so strong and was so aggressive that it would have been quite senseless and useless at this meeting to start an objective discussion.

Q. I'd like to point out first that Goering himself testified before the IMT on this subject more or less to this effect. That is to be found in my document book 3, Document Koerner 415, Koerner Defense Exhibit 128.[2] Mr. Koerner, did you yourself undertake anything to reduce these exaggerated supply quotas Goering demanded?

A. Yes, and especially in connection with France.

Q. And when was that?

A. Immediately after this meeting in the conference room itself, the representatives of the military commander in France protested very strongly, particularly to Backe and myself, and stated these quotas were quite impossible to meet. These representatives refused to pass on Goering's demands to the French Government.

Q. And you, what did you do about it?

A. It was a very grave situation. The next day I talked in detail to Backe what was the best way to get rid of Goering's demands. We agreed that the demands to the French Government for the time being were not to be passed on.

Q. And did you make representations to Goering to that effect?

A. Before making representations to Goering, I first waited a little until he had calmed down a bit and until more detailed figures were available about the results of the harvest in France because this conference was in August and, concerning the French

[1] State Secretary in the Reich Ministry for Food and Agriculture.

[2] This document contained extracts from the cross-examination of Goering by General Rudenko in the IMT trial. See Trial of the Major War Criminals (Nuremberg, 1947), volume IX, pages 631 and 633.

harvest, the figures were bound to come in pretty soon. Then, after the figures had come in, I repeatedly went to Goering's headquarters and reported to him.

Q. Were you successful?

A. At last Goering agreed that, for the first time they would stick to the supplies which the French Government had already promised in June 1942; but an attempt was to be made, because of the good harvest of 1942, to get a certain increase in these supplies, if possible.

DR. KOCH: I will now conclude the subject of France and pass on to Russia. First of all, however, I would like to draw the attention of the Tribunal to my book 3–C. This deals with all questions connected with the so-called spoliation in France and the documents are compiled in order to prove the correctness of the following five theses: One, the economic utilization of France by Germany was based on the armistice agreement and on agreements with the French Government; second, the French Government was legal and independent; third, the basic idea of the policy in France was not exploitation on behalf of Germany but born on the idea of a long-term geoeconomic European economy. Fourth, France was not exploited beyond the limitations of the Hague Land Warfare Convention and the measure imposed by modern warfare; and fifth, Koerner is not responsible for economic policy, and within the sphere of his opportunities he tried to reduce individual excess demands made by Goering. I will now pass to Russia.[1]

JUDGE POWERS, Presiding: Well, I think you better wait until Monday morning for that. It is now 1645. We will recess until Monday morning at 0900.

(Recess)

CROSS-EXAMINATION

* * * * * * *

MR. LYON: Now, Witness, I would like to turn to this meeting of 6 August 1942, which was held under the chairmanship of Goering with various occupation authorities. That document, Your Honors, is the one which comprises document book 109, Document NI–10105.[2]

PRESIDING JUDGE CHRISTIANSON: That's Prosecution Exhibit 3429?

MR. LYON: I believe it is, Your Honor. Yes, Your Honors, that is right, Prosecution Exhibit 3429.

[1] The next ensuing direct examination of the defendant Koerner is reproduced later in section X E 2.

[2] Reproduced in part earlier in this section.

You know what meeting I'm referring to, don't you, Witness?

DEFENDANT KOERNER: Yes. I know it.

Q. About how many people were present at that meeting?

A. If no attendance list is in existence, I would be able to give you only an approximate tentative figure reproduced from my memory. I assume that between 40 and 50 people must have been present.

Q. These were the leading authorities connected with the occupation of territories, both in the East and in the West? Is that right?

A. Yes. Those representatives were present.

Q. Do you remember seeing at this meeting any of the other defendants in the dock—for example, Kehrl?

A. I don't think so. I couldn't say definitely under oath but I don't know. I don't think so.

Q. Any other defendants?

A. I wouldn't be able to say. There was a representative of the Minister of Finance but I wouldn't be able to say who it was. You would have to ask von Krosigk.

Q. Well, if you look in your copy of this document you'll find that it was Reinhardt. Who was the representative of the Ministry of Economics?

A. It's a definite fact that Landfried was there. Maybe Funk was there, too. I wouldn't be able to say for sure. I would have to see the whole document first of all in order to give you a proper construction.

Q. I'm sorry; I didn't understand those names. Did you say Landfried?

A. I said Landfried. Yes. I assume that he was there.

Q. And did you mention another name? I wasn't sure.

A. I said possibly Funk may also have been there.

Q. I see.

Now, Witness, the general purpose of this meeting was to set forth the policies for the occupation of the various occupied territories, and particularly the use to be made of their economic resources for the German war economy. Isn't that correct?

A. As far as I was able to gather from a reperusal of this document, the main objective was that of clarifying the efficiency output of the occupied territories, particularly as far as nutrition was concerned.

Q. The efficiency output from the standpoint of facilitating the German war economy. Isn't that correct?

A. Yes. Various questions were discussed and the document shows that. The main objective, however, was what I told you.

Q. That is the promotion of efficiency of output for the German war economy. Is that right?

A. Yes, you might summarize it in that manner. It's not quite right, but I don't want to go into too great detail.

Q. Yes. It's not exactly incorrect either, is it?

A. It's not quite incorrect either, but it's not quite correct either.

Q. Very well. Now, you transmitted to various government agencies copies of the official transcript of this meeting, did you not?

A. Correct.

Q. Now, you also stated that you attended this meeting. You stated that, I believe on direct examination. That's correct, isn't it?

A. Yes, absolutely correct.

Q. Now, at the time of this meeting was it your point of view that it was a matter of course that the occupied territories had to make every effort in contributing to the German food supply?

A. Yes. This didn't involve only Germany; it involved the feeding of Europe.

Q. Wasn't there just a little bit more emphasis on the feeding of Germany in this meeting than there was in the feeding of the rest of Europe?

A. It's comprehensible that an emphasis might have been placed on Germany because Germany was responsible for feeding Europe. We were, at that time, masters of Europe and we had a moral responsibility and a moral duty, not only for Germany itself, but also in behalf of the other countries of Europe.

Q. Well, what prompted my question was this statement by Goering, and I quote: "If anyone has to go hungry it shall not be the Germans but another people."

Doesn't that indicate to you that the emphasis was on feeding Germany? You'll find that on page 4 of the German copy, page 5 of the English.

PRESIDING JUDGE CHRISTIANSON: I think that's somewhat argumentative, isn't it, Counsel? The recital is in the document; you can argue from that. I wouldn't pursue that any further.

MR. LYON: I didn't intend to pursue it any further, Your Honor. Now, on direct examination, Witness, you said that Goering made a lot of exaggerated statements here because he had had a meeting with the Gauleiter the day before, and they were complaining about the German food situation. And, therefore, Goering had to talk pretty big here. And you also said that after the meeting you talked to Backe to see what could be done reducing these quotas that were set for food to be contributed by the occupied territories.

Now, when you testified about this document before the Inter-

national Military Tribunal, you didn't tell them anything about that, did you?

DEFENDANT KOERNER: I think there's a certain misunderstanding that has crept in. Let us distinguish between the two things involved. I know exactly what I said before the IMT because basically it's the same as I told you here just now. And what I said here on direct examination is in absolutely conformity with it too. The Gauleiter conference—let me say that clearly—which had taken place a day or two before with Goering, did not discuss questions of feeding, but referred to attacks on Germany; and they involved the misgivings presented by the individual Gaue at the time. Naturally they had much to say, in connection with the question of air-raid attacks, about questions involving the feeding and maintenance of the civilian population. I myself didn't attend this conference because it was no business of mine. But, as a matter of course, various information was given to Goering that in the occupied territories the people were far better off than the German people and the foreign workers who were working in Germany proper. Subsequently Goering's sentiment developed, and found its outward manifestation in these exaggerated claims. I think that thus I have summed up what I said in regard to both conferences.

Q. Well, you took what Goering said seriously, didn't you?

A. I beg your pardon. Nobody could take that seriously, because if you simply look at Backe's figures and simply add a hundred percent to those figures, you can't take those remarks to have been meant seriously. I'm not saying that Goering was an abnormal man, but I'm merely saying that the figures were abnormal.

Q. Well, you didn't say that to the International Military Tribunal, did you?

A. I think that I testified before the IMT correctly, comparatively speaking. What I wasn't able to say,—

Q. I'm asking you a simple question: Did you say anything about exaggerated figures or Backe's figures to the International Military Tribunal?

A. I think that I did give a certain clarification there. Of course I did so in a more cautious manner than now, because, at that time, I was a witness on behalf of Goering, and I had to take certain considerations into account in behalf of my old chief. I didn't defend him, but I gave certain statements which I believe were capable of exonerating him, so far as I was able to exonerate him. That's the way you have to look at these things.*

* Koerner's testimony before the International Military Tribunal is reproduced in Trial of the Major War Criminals, volume IX, pages 148–173.

Q. Yes, I see. Well, now, you didn't say anything about Backe in your testimony before the IMT, did you?

A. No, I would never have incriminated a man who was still alive at the time. [Nein, Ich wuerde nie einen Mann belastet haben der damals noch am Leben war].

Q. I see. Witness, did you have anything to do with German economic policy with respect to Holland—the Netherlands?

A. I am not an economist, Counsel, and that's the reason why I had nothing to do with economy or economic policies. Economic policies lay within the jurisdiction of the Reich Economic Ministry and Goering, who had obtained certain prerogatives.

Q. Did you have anything to do with the matter of how much Holland would have to pay Germany every month?

A. No. I had nothing to do with that. I didn't bother about these problems either.

Q. Did you write a letter to Seyss-Inquart in 1942, with respect to Goering's approval of a proposal for requiring a payment by Holland of 50 million marks per month, of which 10 million marks were to be paid in gold?

A. Please be good enough to show me this letter or read it to me to refresh my memory.

Q. Well, you don't remember it. Is that right?

A. No, I don't.

MR. LYON: Your Honors, I would like to mark this letter for identification as 3770. This is Document NG–4317.* It's a letter dated 20 April 1942, from defendant Koerner to Dr. Seyss-Inquart, the Reich Commissioner for the Occupied Dutch Territories.

PRESIDING JUDGE CHRISTIANSON: The document will be marked Prosecution Exhibit 3770 for identification.

MR. LYON: Have you had a chance to read this, Witness?

DEFENDANT KOERNER: Yes. I have had a chance; and let me comment on it right away.

Q. You can comment on that after we hear the defense counsel.

DR. SCHUBERT (counsel for the defendant Keppler): Your Honors, I would be very grateful if the prosecution would also be good enough to distribute German copies too, to enable defense counsel to follow the course of the examination also.

(The prosecution distributes copies to defense counsel.)

DEFENDANT KOERNER: All I wanted to say is a very short statement and to say that this letter speaks for itself, and it confirms what I said all the time, because—

MR. LYON: Very well, let's let the document speak for itself then.

* * * * * * *

* Reproduced earlier in this section.

E. Union of Soviet Socialist Republics

I. CONTEMPORANEOUS DOCUMENTS

TRANSLATION OF DOCUMENT 2718–PS
PROSECUTION EXHIBIT 352

FILE MEMORANDUM ON A CONFERENCE OF STATE SECRETARIES, 2 MAY 1941, CONCERNING ECONOMIC AND SECURITY MEASURES TO BE FOLLOWED IN RUSSIA AFTER INVASION AND NOTING THAT "THE WAR CAN ONLY BE CONTINUED IF THE ENTIRE ARMED FORCES ARE FED FROM RUSSIA" RESULTING IN STARVATION OF "MILLIONS OF PEOPLE"[1]

2 May 1941

[Handwritten] Top Secret

Staff I a

2 Copies

1. For Files I a
2. For General Schubert[2]

Memorandum on the Result of Today's Conference with the State Secretaries concerning Barbarossa[3]

1. The war can only be continued if the entire Armed Forces are fed from Russia during the third year of the war.

2. As a result, there is no doubt that "x" millions of people will starve to death if we take out from the country whatever we need [Hierbei werden zweifellos zig Millionen Menschen verhungern, wenn von uns das fuer uns Notwendige aus dem Lande herausgeholt wird].

3. The most important thing is to collect and to remove oil seeds, oil cakes, and grain, the latter being of secondary importance. The fats and the meat available will probably be consumed by the troops.

4. Industry must be allowed to resume operations only where there is a shortage, such as—

Plants producing means of transportation

Plants for general supply installations (Iron)

Textile plants

Armament plants only in cases in which there exist bottlenecks in Germany

[1] The invasion of Russia did not take place until 22 June 1941. This document was introduced in evidence in the IMT trial as Exhibit USA–32, and the German text may be found in Trial of the Major War Criminals, volume XXXI, page 84. Other documents concerning the economic planning which preceded the invasion are reproduced in section VI H, volume XII, "The Invasion of Union of Soviet Socialist Republics."

[2] Major General Schubert was Chief of the Economic Staff East, an agency concerned with the execution of economic measures in occupied Russia.

[3] "Barbarossa" was the code name for the invasion of Russia.

953402—52——54

Opening of repair shops for the troops on an increased scale is a matter of course.

5. Special troops must be made available for the protection of the vast areas between the main highways. It is possible that the Reich Labor Service or replacement units of the army will be stationed in these areas.

It is necessary to determinate those areas which are of particular importance and must therefore be protected.

[Illegible initials]

PARTIAL TRANSLATION OF DOCUMENT 012–PS PROSECUTION EXHIBIT 2249

LETTER FROM DEFENDANT LAMMERS TO ROSENBERG, 30 JUNE 1941, TRANSMITTING A COPY OF HITLER'S DECREE OF 29 JUNE 1941 ON THE ECONOMIC ADMINISTRATION IN THE NEWLY OCCUPIED EASTERN TERRITORIES

Copy

The Reich Minister and Chief of the Reich Chancellery
RK. 329 B g

Berlin W 8, 30 June 1941
Fuehrer Headquarters

Secret

[Handwritten] No. 115 Ma.

To Reich Leader Rosenberg
Berlin W 35

My dear Mr. Rosenberg:

The Fuehrer yesterday executed the decree concerning the economy in the newly occupied Eastern Territories. I am sending you, herewith, a copy for your information.*

A publication of this decree is not favored by the Fuehrer at this time. I have, however, brought the decree to the attention of all the Supreme Reich Authorities.

Heil Hitler!
Yours respectfully
Signed: DR. LAMMERS

* The text of this decree is set forth in full in the following document (EC–207, Pros. Ex. 1057) and hence it is not reproduced here as a part of Document 012–PS.

PARTIAL TRANSLATION OF DOCUMENT EC–207
PROSECUTION EXHIBIT 1057

LETTER FROM ARMED FORCES OPERATIONS STAFF, ARMED FORCES HIGH COMMAND, TO DEFENDANTS KOERNER AND PUHL, AND OTHERS, 4 JULY 1941, TRANSMITTING THE TEXT OF THE HITLER DECREE OF 29 JUNE 1941 CONCERNING GOERING'S JURISDICTION IN UTILIZING THE ECONOMY OF THE NEWLY OCCUPIED EASTERN TERRITORIES

Copy

Fuehrer Headquarters, 4 July 1941

High Command of the Armed Forces
W.F. Staff/Department L (IV/Qu)
No. 01269/41 secret

In the following you will find the "Decree of the Fuehrer concerning the economy of the newly occupied Eastern Territories, of 29 June 1941."

The Chief of the High Command of the Armed Forces
BY ORDER:

Signed signature

Enclosure 1 to OKW/WFSt/Dept L
(IV/Qu) No. 01269/41 secret

Decree of the Fuehrer Concerning the Economy of the Newly Occupied Eastern Territories of 29 June 1941

(1) Reich Marshal Hermann Goering, as Plenipotentiary of the Four Year Plan, within the scope of his prerogatives, shall take in the newly occupied Eastern Territories all measures for the greatest exploitation of all materials, stocks, and economic resources, and for the extension of the economic potential, which are necessary for the promotion of the German war economy.

(2) For this purpose he may also give direct orders to the offices of the Armed Forces in the Occupied Eastern Territories.

(3) This decree is effective as of today. It is to be published only upon special orders.

Fuehrer Headquarters, 29 June 1941

Der Fuehrer
(L.S.) Signed: ADOLF HITLER

The Chief of the High Command of the Wehrmacht

Signed: KEITEL

The Reich Minister and Chief of the Reich Chancellery

Signed: DR. LAMMERS

Distribution:

Staff, Reichsleiter Rosenberg

State Secretary Koerner, Economic Staff, Economic Inspectorate —Westphalia

State Secretary Backe, Armament Staff

State Secretary Alpers, Raw Materials Staff, Economic Inspectorate—Hesse

State Secretary Syrup, Economic Staff East—10x

State Secretary Kleimann, extra copies

General Gercke

Reich Bank Vice President Puhl

TRANSLATION OF DOCUMENT NI-3777
PROSECUTION EXHIBIT 1976

GOERING DECREE, 27 JULY 1941, CONCERNING GERMAN ECONOMIC POLICY IN THE OCCUPIED EASTERN TERRITORIES, ITS RELATION TO WAR ECONOMY, CREATION OF THE MONOPOLY COMPANIES AND TRUSTEE ADMINISTRATION, AND RELATED MATTERS*

The Reich Marshal of the Greater German Reich
Plenipotentiary for the Four Year Plan
V.P. 12 028 Berlin, 27 July 1941

By virtue of the Fuehrer's decree concerning the economy in the newly occupied Eastern Territories dated 20 June of this year, I hereby decree:

1. The aim of the economic leadership [Wirtschaftsfuehrung] in the occupied Russian territories is not an early restoration of the entire economy—the vastness of the Russian territory and the scarcity of suitable skilled labor rather make it imperative to create centers of gravity within those economic branches which are decisive for the German war economy. Such centers of gravity are grain, oil, seeds, petroleum, and light metals. To these must be added industries which, like the manufacture of agricultural machinery and means of transportation, form the prerequisites for the successful execution of the main tasks. The exploitation of all other branches of economy can be considered,

* This decree was taken from the so-called "Green Folder" of directives on the administration of economy in German occupied territories. See Document EC-347, Prosecution Exhibit 1058, reproduced later in this section.

for the time being, only if the main tasks do not suffer therefrom. It must give way until the German interests in the abovementioned sectors, which are decisive for the outcome of the war, are fully safeguarded. In accordance with this guiding principle, the maintenance or reinauguration of economy will vary in scope in the different areas.

2. In order to avoid, as far as possible, breaks in production and interruptions in the delivery of agricultural products, the present economic Kolkhoz [collective farm] system—although in the modified form of the "Gemeindehof" [community farm] and sovkhoz [state farm]—will, at present, have to be maintained. It is essential that as many German managers as possible be committed in the field of agriculture in the occupied territories, especially in the surplus areas, and that they endeavor to bring about a maximum production of the enterprises under their control and see to it that the products are sent to points where they are most needed in the interests of the German war economy. In order to insure the centrally organized collection of agricultural products in the Occupied Eastern Territories and their commitment in accordance with the given interests of the German food situation, I agree to the creation of the "Central Trading Company East for Agricultural Distribution and Supply" [Zentrale Handelsgesellschaft Ost fuer landwirtschaftlichen Absatz und Bedarf m.b.H] which shall have exclusive trading rights (a monopoly company) and shall, apart from its task of seizure and distribution, also undertake the task of supplying the agricultural economy of the Occupied Eastern Territories with production and consumer goods as long as it is not yet possible to permit the participation of independent trading enterprises without endangering the delivery of food supplies.

3. The Russian oil production must remain in German hands because of its supreme importance for the German Army and economy. For this reason I have ordered the Continental Oil Company [Kontinentale Oel, AG] to take over all oil fields which fall into German hands. I reserve the right to order that other types of raw materials, the permanent transfer of which into German hands is in the interest of the over-all German economy, be also transferred immediately to the ownership of those particular German concerns which are to manage them on a permanent basis.

4. Furthermore, in reply to the suggestion of the Reich Minister of Economics, I agree that the following monopoly companies* be created in accordance with the submitted company charters, and commissioned by executive authorities:

* The designation has been changed to "Ostgesellschaften."

a. The Mining and Steel Company East, with the task of managing, in the interest of the German war economy, the Russian coal and iron industry as well as the mining of iron ore.

b. The Textile Fiber Company East with the task of managing the Russian textile industry in the interest of the German war economy.

Once a month the monopoly companies shall submit to the Economic Operations Staff a report on their activities.

Apart from the above-enumerated companies, further monopoly companies shall be created only to the extent to which it is necessary for the central steering in the interest of the German war economy. I therefore reserve to myself the right to authorize in each individual case the creation of possible subsidiaries, as well as of further monopoly companies. In any such case, the charters shall be submitted to me for approval through the Economic Executive Staff East [Wirtschaftsfuehrungsstab Ost][1] Since monopoly companies are only a transitory solution, they shall furthermore be uniformly created only for a limited period of time. I also reserve to myself the right to decide on a prolongation of the duration of the charters, if any be necessary.

5. For the rest, it will be sufficient for the purpose of safeguarding German interests during the transition period, if especially important branches of industry and commerce are administered by German firms as individual trustees. In such cases, it will often be advisable as, for example, in the case of the chemical industry, that, for the assistance of the trustee in the administration of enterprises, companies be created in Germany by individual enterprises or by German economic associations.[2]

On the other hand, it will have to be borne in mind that the trustee administration, which is interconnected with strong State supervision, does not represent the final solution. It must be endeavored, at an earliest possible date, to lease the enterprises to German and—if the executive authorities approve—to local entrepreneurs. In principle this also applies to the economic branches which are centrally administered by the monopoly companies, provided that I make no provision for special exceptions.

6. Basically, the principle of business expediency must be determinative in the selection of methods to be employed in the administration of economic branches which are essential for the war, that is, the question how a maximum performance can be achieved.

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[1] Defendant Koerner was the Deputy Chief of the Economic Executive Staff East. The functions of this agency are taken up in documents reproduced later in this section and in the extracts from the testimony of defendant Koerner reproduced later in this section.

[2] Concerning special companies formed in the chemical field, see the materials on the I.G. Farben case, volumes VII and VIII, this series.

In the long run the highest economic performance cannot be expected from Bolshevik collective economy, but only on the proven basis of private economy directed by the State. The system of collective economy shall, therefore, be continued only as long as it is absolutely essential to avoid disruption in the supply of the German Army and economy from the Russian territory, which might result from a sudden change in the forms of economy.

7. Finally, every measure must be tested in the light of the principle that those branches of economy which are decisive for the outcome of the war shall have priority. I expect all economic agencies in the Occupied Eastern Territories to observe this principle under all circumstances.

Signed: GOERING

PARTIAL TRANSLATION OF DOCUMENT NI-10119 PROSECUTION EXHIBIT 1055

EXTRACTS FROM A HANDBOOK (BROWN FOLDER) OF THE EAST MINISTRY, APRIL 1942, CONCERNING "DIRECTIVES FOR THE ECONOMIC ADMINISTRATION" OF OCCUPIED RUSSIA

[Handwritten] VII A 36.V.7

Restricted

The Reich Minister for the Occupied Eastern Territories
III Wi. 2461/42

The Civil Administration in the Occupied Eastern Territories (Brown Folder)

Part A—Directives for the Economic Administration[1]

Berlin, April 1942

* * * * * * *

I. *General Directives*

* * * * * * *

II. *Organization*

1. Central agencies.—By the Fuehrer's decree of 17 July 1941 concerning the administration of the newly occupied Eastern Territories[2] (see appendix), it was decided that the whole administration, and accordingly, the administrative agencies with the Reich Commissioners on the top, will be subordinated to the Reich Min-

[1] This handbook is 77 pages long, the first 39 pages being devoted to exposition and the balance containing 14 appendixes, each appendix being an order or a regulation.

[2] This decree, Document NG-1280, Prosecution Exhibit 529, is reproduced in section VI H, Volume XII, this series.

ister for the Occupied Eastern Territories and that those agencies will receive their directives exclusively from him (secs. 2 and 7).

A very important exception of those decisions is admitted in the sphere of the economy. By the Fuehrer's decree of 29 June 1941* the Reich Marshal Hermann Goering is allowed, in the sphere of competence as the Plenipotentiary for the Four Year Plan, to take all measures necessary for the utmost exploitation of the stocks and economic resources found, and the reconstruction of the economy for the German war effort.

The relationship of the Plenipotentiary of the Four Year Plan and the Reich Minister for the Occupied Eastern Territories has been coordinated for practical purposes as follows (compare competent decree by the Reich Minister for the Occupied Eastern Territories, for the Reich Commissioners of 26 February 1942—III 1180/41):

a. Both offices keep in constant contact, inform each other currently, and coordinate all decisions.

b. Decrees about economic matters may be issued by the Reich Commissioners for their territory, within the scope of the decree by the Reich Minister for Occupied Eastern Territories, of 26 February 1942, and appended decrees thereof. Decrees by the Reich, valid in the newly occupied Eastern Territories, will only be published in the official gazette of the Reich Minister for the Occupied Eastern Territories.

c. Without prejudice as to the direct jurisdiction of the Plenipotentiary of the Four Year Plan, assignment for the Reich Commissioners will be made by the Reich Minister for the Occupied Eastern Territories.

d. All reports by the Reich Commissioners will be submitted to the Reich Minister for the Occupied Eastern Territories unless direct reports are expressly requested by the Plenipotentiary of the Four Year Plan. In that case, a copy of the report is to be submitted to the Reich Minister for the Occupied Eastern Territories simultaneously. General situation reports have to be submitted to both agencies simultaneously.

Apart from the jurisdiction [Weisungsrecht] of the Plenipotentiary for the Four Year Plan, and the Reich Minister for the Occupied Eastern Territories, other Supreme Reich Agencies do not have jurisdiction over the Reich Commissioners in economic matters.

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* This decree, Document EC-207, Prosecution Exhibit 1057, is reproduced earlier in this section.

The Reich Marshal formed the Economic [Executive] Staff East [Wirtschaftsfuehrungsstab Ost]*—directed by State Secretary Koerner as his deputy—in which all departments concerned are centralized and are given the possibility to state their points of view and to influence all the decisions concerning the Eastern Territories.

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Appendix 6

Headquarters, 28 October 1941

The Reich Marshal of the Greater German Reich
The Plenipotentiary for the Four Year Plan
V.P. 17621

Decree concerning the Seizure and Utilization of Industrial Raw Materials and Other Materials Important for the War Effort in the Newly Occupied Eastern Territories, 28 October 1941

To clarify questions which arose about reconnaissance, seizure, safeguarding, and confiscation, as well as removal and utilization of raw materials and materials essential for the war effort of the industrial economy in newly occupied Eastern Territory, the following directives and regulations are again summarized here:

I. Basic principles as contained in the directive concerning the economic leadership in the newly occupied Eastern Territories (Green Folder, Part I) are also decisive here. Therefore, raw materials and the newly acquired industrial raw materials found in occupied territories must, after satisfying the need of combat troops, the replacement organizations, and security units, be used first of all to satisfy the needs of the war economy of the Reich, while remaining parts will be distributed in the Occupied Eastern Territories according to requisitions which will be done by the Reich, in view of war economical needs.

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* The original English translation for this term at this particular point in this document was "Economic Staff East," which was either a typographical error or an erroneous and misleading translation, since "Economic Staff East" was the usual and the literal translation of "Wirtschaftsstab Ost," a related agency. The superior agency, the "Wirtschaftsfuehrungsstab Ost," was usually translated as "Economic Executive Staff East" and this translation was adopted by the Tribunal in its judgment. During the examination of defendant Koerner, an extensive discussion took place between counsel and the Tribunal which produced no agreement on the question. Dr. Koch suggested the following: "For the superior agency, the 'Wirtschaftsfuehrungsstab Ost,' 'Economic Operational Staff East,' and for the subordinate staff, which had the executive function, I suggest 'Economic Executive Staff East' * * *. Policy was laid down in advance by Goering in Berlin. For basic questions, the staff I have now christened the 'Economic Operational Staff' was competent, but it had little work and soon faded out altogether. The work throughout all these years—masses of decrees and practical measures—was carried out by the staff which I have called 'Economic Executive Staff East' " (Tr. pp. 14386-7).

II. On particular points the following applies:

1. Usage of the stocks of industrial raw materials and materials essential for war effort.

a. Reconnaissance, seizure, safeguarding, and confiscation, as well as execution of the removal of raw material stocks and materials important for the conduct of the war, follows according to the directives of the Plenipotentiary for the Four Year Plan —Economic Executive Staff East.

* * * * * * *

PARTIAL TRANSLATION OF DOCUMENT EC–3 PROSECUTION EXHIBIT 1061

REPORT FROM GENERAL THOMAS' LIAISON STAFF WITH GOERING, 25 NOVEMBER 1941, QUOTING A MEMORANDUM ON "GENERAL PRINCIPLES FOR THE ECONOMIC POLICY IN THE NEWLY OCCUPIED EASTERN TERRITORIES" ARISING OUT OF GOERING'S "EAST CONFERENCE" OF 8 NOVEMBER 1941

Liaison Staff of the High Command of the Armed Forces
Economic Armament Office, with the Reich Marshal
Local headquarters, 25 November 1941

No. 260/41 g

Reference: Order of the Chief, Economic Armament Office in the High Command of the Armed Forces of 29 July 1941.

Concerning: War Economic Notes ending 30 November 1941

To the Chief of the Economic Armament Office [W. Rue Amt],[1]
Lieutenant General Thomas
Berlin

The viewpoints occasionally mentioned during the reporting period are comprised in the notes of the conference on 8 November 1941. Compare Reich Marshal of Greater Germany report for the Four Year Plan, No. 19 203/6 g. of 20 November 1941.[2] The Reich Marshal has not been in the Headquarters East since that time so that no reports have been given.

To maintain the completeness of the presentation of the existing reports, the "General Principles for the Economic Policy in the Newly Occupied Eastern Territories" based on the "East Meeting" in Berlin on 8 November 1941 are quoted below:

[1] The full title of this office is "Military Economics and Armament Office" (Wehrwirtschafts — und Ruestungsamt); this office is frequently referred to in original documents as "Wi Rue Amt," and in this case the translation "Economic Armament Office" is frequently used.

[2] A translation of this report was introduced in evidence as Document NI–440, Prosecution Exhibit 1062, reproduced in part immediately below.

"I. *For the duration of the war the requirements of the war economy* will be the all-dominant factor of any economic measures in the newly occupied Eastern Territories.

"II. Seen from a long range point of view the *newly occupied Eastern areas* will be exploited economically *from the point of view of colonial administration* [kolonialen Gesichtspunkten] and by colonial methods.

"Exceptions will be made only for those parts of the Ostland which are to be Germanized by order of the Fuehrer, but even they are subject to the principle expressed in paragraph I.

"III. The main emphasis of all economic work rests with the production of food and *raw materials.*

"The highest possible production surplus for the supply of the Reich and of other European countries is to be attained by cheap production based on the maintenance of the low living standard of the native population. Besides covering thereby the European needs for food supplies and raw materials as far as possible, this measure is intended to create a source of income for the Reich which will make it possible to liquidate in a few decades, with utmost consideration for the German taxpayer, an essential part of the debts incurred in the financing of the war.

"IV. *Manufacturing* in the Occupied Eastern Territories will be considered only if absolutely necessary: (*a*) to decrease the volume of transportation (i.e., manufacturing processes up to steel or aluminum blocks), (*b*) to take care of urgent repair needs inside the country, (*c*) to take advantage of all facilities in the armament sector during war time.

"It remains to be decided to what extent a resumption of the production of trucks and tractors can be considered during the war (in view of the overburdened European industrial capacity).

"V. The development of a considerable *consumer goods and finished products industry* in the Occupied Eastern Territories is not permitted. It is rather the task of European, and especially, German, industry to process the raw materials and semi-finished products produced in the occupied Eastern areas and to take care of the most urgent requirements for industrial consumer goods, and production means of these Eastern areas which are to be exploited like a colony [kolonialwirtschaftlich auszunuetzen]. The larger the number of products of daily needs we send to Russia, the greater will be the quantity of raw materials we can extract, the greater will the difference in value become, and the earlier will our war debts be liquidated.

"VI. *To supply the population* with high-valued consumer goods is out of the question. On the contrary, all tendencies to raise the general standard of living are to be suppressed right from the start with the most drastic measures. The question as to which kinds and quantities of consumer goods and production means are to be delivered to the newly occupied Eastern areas is to be settled in conjunction with the Economic Office of the Reich Commissioners.

"The Ostland, too, may, at the beginning, be furnished only very limited quantities of consumer goods. The long range order for the Germanization of the Ostland must not be allowed to lead to a general rise of the living standards of all the nationalities living there. Only the Germans living there, or to be settled there, and the elements to be Germanized may receive preferential treatment.

"VII. The Russian *price and wage scales* are to be kept as low as possible. Any interference with the price and wage policy which is to be established exclusively to benefit the interests of the Reich is to be punished mercilessly. The Ostland, too, is subject to the principle that surpluses, specifically the agricultural ones, have to reach the Reich at the lowest possible prices."

Signed: NAGEL

PARTIAL COPY OF DOCUMENT NI–440*
PROSECUTION EXHIBIT 1062

LETTER FROM DEFENDANT KOERNER TO 44 INDIVIDUALS, INCLUDING DEFENDANTS LAMMERS, KEHRL, DARRÉ, SCHWERIN VON KROSIGK, AND PLEIGER, 20 NOVEMBER 1941, FORWARDING A MEMORANDUM "ON THE ESSENTIAL RESULTS OF THE DISCUSSION OF ECONOMIC POLICY AND ECONOMIC ORGANIZATION IN THE RECENTLY OCCUPIED EASTERN TERRITORIES"

Berlin, 20 November 1941

The Reich Marshal of the Greater German Reich
Plenipotentiary for the Four Year Plan
Economic Executive Staff East
Four Year Plan 19 203/ 6 g Secret

To:

1. The Chief of the High Command of the Armed Forces, Field Marshal Keitel
1a. The High Command of the Armed Forces Economic Armament Office, Lieutenant General Thomas
1b. The Chief of the Armed Forces Transportation, General Gercke
2. The Commander in Chief of the Army
2a. The Quartermaster General of the Army, Major General Wagner
3. The Commander in Chief of the Navy
3a. The Chief of the Quartermaster Office of the Naval Operations Staff, Rear Admiral Krancke
4. The Commander in Chief of the Air Force

* This document, as offered in evidence, was a certified translation of a lost German document. Of the many thousands of captured German documents processed in Nuernberg, this is one of the few which was lost or stolen in the course of "processing." Document processing involved initial analysis, registration, translation, photostating, and often the introduction of a true copy of the document in one or more trials. The original of this document was lost after a translation of its contents had been made. At the time, a certified translation of the original document was offered in evidence in this case as Prosecution Exhibit 1062, the prosecution explained that the original had been lost after translation; that the lost document was referred to and quoted from in Document EC–3, Prosecution Exhibit 1061 (reproduced immediately above); and that the prosecution would present testimony to establish the correctness of the contents of the certified translation. The Tribunal thereupon admitted the document in evidence, stating: "The Court is not inclined to take matters of this nature lightly, but we are inclined to receive this document for what it is worth, and we so rule" (*Tr. p. 1806*). Thereupon the prosecution offered in evidence an affidavit of Dr. Gustav Schlotterer, a Ministerial Dirigent in the Reich Ministry of Economics, as Document NI–11379, Prosecution Exhibit 1063 (not reproduced herein). In this affidavit Schlotterer stated that he was conversant with the English language and that "After reading the Document NI–440, I have no doubt that this is the translation of the original minutes of the meeting" in question. Immediately after the receipt of this affidavit in evidence, Schlotterer was called as a prosecution witness and examined and cross-examined about his affidavit and the meeting under Goering's chairmanship on 8 November 1941. Schlotterer's complete testimony is recorded in the mimeographed transcript, 12 February 1948, pages 1786–1798; 1809–1821.

4a. The Quartermaster General of the Air Force, Lieutenant General of the Air Force von Seidel, Hans Georg
5. The Reich Minister and Chief of the Reich Chancellery
6. The Chief of the Party Chancellery
7. The Reich Minister for the Occupied Eastern Territories
7a. Reich Commissioner Gauleiter Lohse
7b. Reich Commissioner Gauleiter Koch
7c. Minister Kasche
7d. Minister Neubacher
7e. Staff Leader Schickedanz
8. The Reich Minister of Economics
8a. Under State Secretary Lieutenant General von Hanneken Reich Ministry of Economics
8b. President Kehrl, Reich Ministry of Economics
8c. Dr. Fischer, Reich Ministry of Economics
9. The Reich Minister for Food and Agriculture, Darré
9a. Business Group Food, for State Secretary Backe
10. The Reich Chief Forester
11. The Reich Minister for Armament and Munitions
12. The Reich Minister of the Interior
13. The Reich Minister of Finance
14. The Reich Minister of Communications [sic]
15. The Reich Minister of Labor
16. Reich Minister for the Government General, Dr. Frank
17. The Reich Commissioner for Price Administration
18. The Plenipotentiary General for Motor Transport, Major General v. Schnell
19. The Plenipotentiary General for the Regulation of the Building Industry
20. The Chief of the Economic Staff East, Major General Schubert
20a. Chief of War Administration [Kriegsverwaltungschef], Riecke
20b. Chief of the War Administration, Dr. Schlotterer
20c. Deputy Chief of War Administration, Dr. Rechner
20d. Deputy Chief of the War Administration, Marrenbach
20e. Major General Nagel
21. Inspector General for the Collection and Utilization of Raw Materials in the Occupied Eastern Territories, Lieutenant General Witting
22. The Plenipotentiary for the collection of scrap and old metal in all occupied territories, Captain (Cavalry) Schu
23. The Plenipotentiary for Machine Production, Director Lange, Economic Group Machine Production
24. Director General Pleiger

25. The Director of the Main Trustee Office East, Mayor Dr. Winkler

For your information and guidance, I am sending you herewith three copies of a memorandum on the essential results of the discussion of economic policy and economic organization in the recently occupied Eastern Territories, which was held on 8 November 1941, under the chairmanship of the Reich Marshal.

IN LIEU:

Signed: KOERNER

Certified (Seal) Signed: SCHWINGE
Ministerial Registrar

Enclosure to Four Year Plan No. 19203/6.g

Berlin, 18 November 1941
W 8, Leipziger Str. 3

Secret!

The discussion of the economic policy and economic organization in the recently occupied Eastern Territories, held on 8 November 1941 under the chairmanship of the Reich Marshal, has led to the following statements and results:

A. General Principles for the Economic Policy in the Newly Occupied Eastern Territories

* * * * * * *

[The part of this memorandum here omitted is set forth immediately above in Document EC-3, Prosecution Exhibit 1061]

B. Directives for the Military Economic Exploitation of the Recently Occupied Eastern Territories

I. *Food and Agriculture*

The center of gravity lies in the food sector. Everything must be done to produce as many agricultural products as possible and to make them available for the requirements of the troops and the Reich. This involves the following requirements:

a. Collection and requisition of crops: The transportation to the railroad of the grain threshed out on the kolkhozes causes special difficulties. The measures thus far taken to remove this defect will be expanded. A prerequisite for the collection of crops is the availability of sufficient security forces. The task is—

1. To prevent the town population from consuming the grain stored in the country

2. In emergencies, to make even a forcible collection possible

3. To insure transportation itself

b. Planting:

1. The losses in the fall sowing of 1941 due to military actions will be compensated by intensified spring sowing in 1942. Insofar as machinery and labor do not suffice for a timely, normal spring sowing, it must be examined to what extent more corn (maize) can be grown later.

2. From 1943 on, the Occupied Eastern Territories must, under all circumstances, provide the largest possible surpluses. Consequently, the greatest emphasis will, in all territories, be laid upon the 1942 fall sowing.

3. An immediate task is the provision of the seed necessary for sowing. The intensified employment of military and police security forces is indispensable in order to guard the seed from consumption by the masses of people streaming into the agricultural surplus areas.

4. The country population will receive a sufficient share of the harvest. On the other hand, the kolkhoz peasant must have no doubt that the requisite field work will be exacted from him by all means.

c. Livestock raising:

1. In order to remove serious dangers to the meat supply for the front and for home, meat—particularly in the form of frozen and canned meat—must be obtained from the Eastern Territories and stored up in considerably larger quantities than heretofore.

2. The livestock necessary for meat canning must, however, be withdrawn from the Occupied Eastern Territories only insofar as it is assured:

(*a*) That the inroads into the stocks of animals will not make it impossible for a long time to build up livestock raising again.

(*b*) That the carrying away of the masses of cattle rounded up can be technically accomplished without unduly substantial losses.

(*c*) That the necessary processing capacity for the canning of the meat delivered is available.

3. In certain territories (especially the central territory) there are large stocks of animals which must be ruthlessly and rapidly seized in order to ease the meat situation in the Reich, and so that the animals may not lose too much weight. A prerequisite —military and police protection in the territories from which large quantities of livestock can be taken—for the collection and removal of these stocks is, for the moment, still lacking. Here the Army must assist under all circumstances.

4. It should be examined whether, in the territories in which the collection and removal of the harvest cause special difficulties, a certain compensation can be systematically accomplished by intensifying the raising of hogs and sheep.

5. A plan will be drawn up regarding the manner in which the rich territories of all Russia are to be exploited for the development of livestock raising and for the supplying of meat to the Reich. The point of departure in this will be that the living standard of the native population must be kept very low, but that, on the other hand, the peasant is to keep more from the yield of his work in the long run than he formerly received. The Reich Marshal expects submission of such a plan in a quarter of a year at the latest.

d. Provisions for troops: It is an especially urgent task to insure provisions for the troops from the country without resorting to the supply depots. The issuing of food brought up from the central provision depots will be confined to urgent emergencies.

e. Provisions for the population:

1. Supplying the peasant population will cause no special difficulties.

2. The urban population can receive only very slight quantities of foodstuffs. For the big cities (Moscow, Leningrad, Kiev) nothing at all can be done for the time being. The consequences resulting therefrom are hard, but unavoidable.

3. Persons working directly in the German interest will be fed at the plants by direct issues of foodstuffs in such a manner that their working strength will be maintained to some extent.

4. In the Ostland, also, the food rations for the indigenous population will be reduced to a level lying considerably below the German level, so that from there, also, the largest possible surpluses may be squeezed out for the Reich.

II. *Industrial Economy*

a. Priority classifications: Petroleum holds first place. The mining of manganese ore is most urgent. Then, in the case of coal and iron, it must be seen to that the damage done to the plants by the Soviets is repaired as soon as possible, so that production may be most quickly resumed. Finally, the Russian timber resources will be made utilizable for the Reich to the greatest possible extent within the limits of the available transport facilities, so that the German forest stands may, in the future, enjoy the urgently needed conservations.

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b. Requisition of raw materials.

1. In the requisition of raw materials, especial value will be attached to orienting the central agencies in Berlin on any quantity of requisitioned raw material—however small it may be—so that they may control all use of raw materials in accordance with the requirements of military economy.

2. In the case of goods found in free ports [sic], special attention must be paid to whether they are goods that belong to the Reich Germans (either state agencies or private firms). Such goods will be turned over to them.

c. Requisition and use of machinery:

1. From the experience had thus far, it is to be assumed that a not inconsiderable part of the machinery hauled away by the Russians has become stalled on the railroad tracks or in their vicinity in the territories lying farther to the East. Especial care must therefore be taken that this machinery does not go to ruin but is duly collected and utilized for the German military economy.

2. Whereas hitherto the most diverse agencies have acted without mutual understanding and agreement on a general plan in the removal of machinery from the Occupied Eastern Territories, a uniform procedure is indispensable for the future. The Plenipotentiary for Machine Production, Director Lange, as the central agency for the collection and use of machine tools, will henceforth make sure that all the requirements of the German military economy are taken into account in the disposal of machinery in the recently occupied Eastern Territories.

3. The basic principle for the removal of machine tools is that only those shall be hauled away which can be utilized at once—such as valuable automatic machines—and are urgently needed for the fulfillment of the armament program ordered by the Fuehrer.

4. To be left in the Occupied Eastern Territories are those machines which are needed there for the fulfillment of the military economic tasks assigned to the Occupied Eastern Territories within the framework of the military economy.

5. The Plenipotentiary for Machine Production will regulate the removal of machinery from the recently Occupied Eastern Territories and the use of machinery in these territories in continuous cooperation with the local agencies of the Reich Commissioners. When no agreement can be reached, the decision of the Plenipotentiary for the Four Year Plan will be obtained.

6. The development [sic] of machines intended for use in the Reich must be left to experts. Transports of valuable machinery must be guarded and accompanied by reliable persons.

d. Engagement [Verpflichtung] of industries: A IV above is also applicable here. The main thing is that the requirements of the troops shall be satisfied and the repair needs of the agricultural and industrial installations working for the German war economy shall be filled.

C. Basic Principles for the Management of Installations

I. *State Property—Private Property*

a. All agricultural and industrial installations are the property of the Soviet State. This property has now been transferred to the Reich.

b. In all the recently occupied Eastern Territories, final adjustments of ownership are fundamentally excluded until the territories have been absorbed into the union of the Greater German Reich. Hence, in principle, only trustee administration is admissible. Trustee administration gives the trustee no right to later acquisition of a property.

c. Petroleum is an exception. The Russian mineral oil industry must be permanently managed solely in accordance with the interests of the Reich. The exclusive right to operate the mineral oil industry in the recently occupied Eastern Territories has, therefore, been permanently bestowed upon the Kontinentale-Oel A.G., founded for the purpose of combining all German oil interests with relation to all foreign countries.

d. In the formerly Baltic parts of the Ostland, one may, in exceptional cases, already think of restoring small installations to their original owners to a very limited extent. However, only very cautious use must be made of this possible exception. The same is true of the adjustments of ownership contemplated by the Reich Commissioner for the Strengthening of Germanism. The Reich Marshal reserves the right to decide about the time and commencement of privatization.

II. *Taking over of plants and installations*

a. In the opinion of the Fuehrer and the Reich Marshal, there is no question of organs of the State, Party, or Armed Forces taking over industries which they are entirely incapable of managing. Installations that it is desired to build up again will, in principle, rather be handed over to firms or persons possessing the requisite expert knowledge and owning or operating similar installations. They must therefore be given the opportunity to derive adequate benefit from their activity.

b. The founding of institutions and similar establishments which may serve the purpose of making installations in the Occupied Eastern Territories available for special interests is likewise inadmissible.

c. Insofar as monopoly companies have been founded to take over installations in specific economic fields especially important for the war, the former regulations will remain in force for the time being.

III. *Management of installations*

a. The Reich lays down the main directives for the management of installations in the Occupied Eastern Territories. It is the duty of the Reich Commissioners and their agencies to attend to the execution of these directives in the installations under their jurisdiction.

b. Insofar as monopoly companies have been established, the following is applicable:

1. The monopoly companies will receive the directives and instructions for the management of installations from the proper central agencies of the Reich. These will decide particularly to what extent installations should, from viewpoints of war economy, be reconstructed, consolidated, dismantled, or shut down.

2. The monopoly companies, in carrying out the tasks assigned to them by the Reich, must work closely together with the local agencies of the Reich Commissioners. The Reich Commissioners must know what is going on in the economic field under their jurisdiction. They must also be afforded the opportunity to exert an influence upon the management of the installations of the monopoly companies in accordance with the directives given them by the Reich. Local political considerations cannot, however, be recognized in such cases. Rather, the local agencies must promote the work of the monopoly companies by furnishing labor, food, transportation, etc., in the interest of German war economy.

3. To facilitate cooperation between the economic agencies of the Reich Commissioners and the monopoly companies, the monopoly companies may, in suitable cases, establish subsidiary companies for the different Reich Commissariats.

4. Insofar as differences of opinion arise between the Reich Commissioners or their economic agencies and the monopoly companies or their subsidiary companies over the planning of economic measures or their execution which cannot be settled on the spot, the decision of the competent central agencies of the Reich will be obtained. The final decision here, too, rests with the Reich Marshal.

5. In the case of oil, the conditions are different in that here it does not have to be decided whether an installation shall be shut down or reconstructed, it being evident in advance that production and further proceeding must be set afoot immediately by every possible means and without hindrance through any

conflicts over competence and the like. Hence, there is no need for any real exertion of influence by the Reich Commissioners upon the measures of the Kontinentale Oel-A.G., established by the Reich for the exploitation of the Russian petroleum industry. Of course, it, or its competent subsidiary company, must also keep in closest contact with the economic agencies of the Reich Commissioners.

D. Basic Principles for the Preparation of the Budget in the Reich Commissariats

I. *The bases for the regulation of the financial relations between the Reich and the recently occupied Eastern Territories.*

1. The Reich has paid for the financial and material burdens of this war. Only the Reich will continue to be in a position to make the material means available without which neither industry nor administration can operate in the recently occupied Eastern Territories.

2. The Reich must, therefore, see to it that the expenditures made for the financing of the war are defrayed without unbearably overburdening the living standard of the German people.

3. It is the clearly pronounced will of the Fuehrer that the Reich's burden of debt arising from the war must, for the most part, be covered by receipts that must be extracted from the recently occupied Eastern Territories.

4. The Reich, not the Reich Commissioners, is the legal successor for former Soviet State property in the recently occupied Eastern Territories.

5. The Reich must exercise control to the end that the receipts and expenditures are kept in harmony with the interests of the Reich in the recently occupied Eastern Territories.

6. Naturally, however, the Reich Commissioners, in view of the extremely difficult conditions in the recently occupied Eastern Territories, must have a certain financial freedom of movement.

II. *Implications for the shaping of the budget in the Reich Commissariats*

1. Budgets for the income and expenditures of the Reich Commissariats will be drawn up by the Reich Minister for the Occupied Eastern Territories and approved by the Reich Finance Minister.

2. The Reich Finance Minister will determine what receipts in the Occupied Eastern Territories shall flow directly into the Reich Treasury and what receipts shall be left at the disposal of the Reich Commissioners within the framework of their budget.

3. The financial freedom of movement of the Reich Commissioners must not result in the use of receipts from the recently occupied eastern territories to defray expenditures serving for the execution of any plans in other territories.

4. The "sluice gate profits" [Schleusengewinne][1] originating from the importation of agricultural products, raw materials, and finished goods from the recently occupied Eastern Territories belong fundamentally to the Reich. The Reich Finance Minister, in accord with the Reich Minister for the Occupied Eastern Territories and the competent Reich authorities, will determine in what manner the Schleusengewinne are to be handled and disposed of.

5. Budget negotiations will be carried on by the competent Reich agencies directly with the Reich Commissioners. Insofar as no agreement can be reached in these negotiations, the Reich Marshal, in accord with the Reich Minister for the Occupied Eastern Territories, will decide.

Signed: DR. BERGMANN[2]

[1] This term was coined to describe profits derived from selling goods obtained in occupied territory at fixed prices in Germany.

[2] Joachim Bergmann, an official on the staff of defendant Koerner in the Four Year Plan, was associate defense counsel for defendant Koerner.

PARTIAL TRANSLATION OF DOCUMENT EC–347* PROSECUTION EXHIBIT 1058,

(*Also* KOERNER DOCUMENT 450
KOERNER DEFENSE EXHIBIT 176)

EXTRACTS FROM THE HANDBOOK (GREEN FOLDER) OF THE ECONOMIC EXECUTIVE STAFF EAST, SEPTEMBER 1942, CONTAINING "DIRECTIVES FOR THE LEADERSHIP OF ECONOMY IN THE NEWLY OCCUPIED EASTERN TERRITORIES"

Economic Executive Staff East

5,000 Copies

(OKW/ Wi AMT/ Z 1/ II No. 6250/42 secret)

Secret

Directives for the Leadership of Economy in the Newly Occupied Eastern Territories (Green Folder)

Part II (Third edition)—Supplementary Material to Part I, Berlin, September 1942

[The following is printed within a square at the beginning of the handbook:]

"This is a secret matter in the meaning of section 88 of the Reich Penal Code (as amended on 24 April 1934). Misuse shall be punished according to the provisions of this law, unless other penal provisions apply."

Economic Executive Staff East

Berlin, 1 September 1942

OKW/Economics Office Z 1/II

No. 6250/42 secret

With the issuance of this folder:

Secret! Directives for the Leadership of Economy in the Newly Occupied Eastern Territories (Green Folder), Part II (3d edi-

* Document EC–347 was a handbook containing directives on the utilization of the economy in German-occupied eastern Europe. It contained 215 pages which included a detailed table of contents and edited titles in addition to the text of the directives themselves. A photostat of the entire German original was offered in evidence as Prosecution Exhibit 1058. However, the translation presented by the prosecution at the time of the offer of the exhibit in evidence contained only a few of the directives or extracts thereof. During the defense case, counsel for defendant Koerner desired that the Tribunal have access to a translation of other directives contained in this handbook. Accordingly, extracts from Document EC–347 were compiled in Koerner Document 450 and offered as Koerner Defense Exhibit 176 and a translation of these extracts was furnished to the Tribunal. This was customary practice in Nuernberg where either the prosecution or the defense took objection to the presentation of partial translations. For purposes of simplifying the presentation of the parts of this handbook reproduced herein, extracts have been compiled in the order in which they appeared in the handbook, regardless of whether the translation of a particular extract was presented by the prosecution or by the defense. Brackets have been inserted in the text to show where a particular directive was contained in the translation offered by the defense. Document EC–347 was introduced in the IMT trial as Exhibit USA–320 and parts of the German text may be found in Trial of the Major War Criminals, volume XXXVI, pages 331–355.

tion) *Supplementary Material to Part I—Berlin, September 1942,* the following folder:

Secret! Directives for the Leadership of Economy in the Newly Occupied Eastern Territories (Green Folder), part II (2d edition), Supplementary Material to Part I—Berlin, November 1941 (OKW/Economic Armament Staff I/O No. 5561/41 secret) becomes invalid and has to be destroyed.

BY ORDER:

THOMAS

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First Chapter—Basic Decrees concerning the Administration in the Newly Occupied Eastern Territories and the Introduction of Civil Administration

A. Fuehrer Decree concerning the Economy in the Newly Occupied Eastern Territories of 29 June 1941*

* * * * * * *

D. Decree by the Fuehrer Concerning Technical Assignments [Einsatz der Technik] in the Newly Occupied Eastern Territories 9 June 1942

[Translation presented by the defense]

In order to ensure the uniform utilization of all available resources in the field of technical industry for the requirements of war and reconstruction in the newly Occupied Eastern Territories, I issue the following order, to be in force for the duration of the war, in supplementation of my decree concerning the administration of the newly occupied Eastern Territories dated 17 July 1941:

I

In his capacity as Reich Minister for Armaments and Munitions, as Inspector General of German Highways, and as Inspector General for Water and Power in the newly occupied Eastern Territories, Reich Minister Speer is placed in charge of the following:

The armament industry, surface construction, power industry, highway construction, waterways, and ports and waterworks.

His tasks include the execution of all necessary measures, including planning, also with respect to the post-war period.

These tasks will be carried out exclusively by Reich Minister Speer's offices.

II

Reich Minister Speer has already established offices in the Ministry for the Occupied Eastern Territories and its subordinate agencies, by means of detailing personnel from his own office to that Ministry. He will again take charge of the work. The deferments which were granted remain in effect.

III

The offices of the Reich Minister for the Occupied Eastern Territories and those of the Reich Minister Speer are to keep each other informed of all important incidents and assignments.

IV

The Reich Finance Minister must provide Reich Minister Speer with the budget funds necessary for the execution of the tasks assigned to him.

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* This decree is reproduced earlier in this section as a part of Document EC-207, Prosecution Exhibit 1057.

Reich Minister Speer issues the instructions necessary for the implementation of this decree. The subordinated offices of the Reich Minister for the Occupied Eastern Territories must assist the offices of Reich Minister Speer in the execution of the tasks assigned to him.

Fuehrer HQ, 9 June 1942

The Fuehrer

Signed: ADOLF HITLER

Reich Minister and Chief of the Reich Chancellery

Signed: DR. LAMMERS

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J. Decree of the Reich Marshal of the Greater German Reich, Plenipotentiary for the Four Year Plan, 27 July 1941[1]

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K. Decree of the Reich Marshal of the Greater German Reich, Plenipotentiary for the Four Year Plan, 30 July 1941

[Translation presented by the defense]

The Reich Marshal of the Greater German Reich

Plenipotentiary for the Four Year Plan Berlin, 30 July 1941

V.P. 12 769

Through the Fuehrer's decree of 29 June 1941,[2] of which you were informed through the letter dated 30 June 1941[3] of the Reich Minister and Chief of the Reich Chancellery, I have been commissioned to issue orders for all measures in the sphere of economic policy concerning the newly occupied Eastern Territories. According to that decree in conjunction with section 3, paragraph 2 and section 7 of the Fuehrer's decree concerning the administration of the newly occupied Eastern Territories,[4] which was also communicated to you, I am furthermore authorized to issue orders directly to the Reich Commissioners which are to be appointed for the Occupied Eastern Territories.

In this connection I state the following:

1. The assignment given to me precludes the individual government branches from direct interference with the economic authorities operating in Russia. I have therefore under my direction

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[1] This decree is reproduced earlier in this section as Document NI-3777, Prosecution Exhibit 1976.

[2] Document EC-207, Prosecution Exhibit 1057, reproduced earlier in this section.

[3] Document 012-PS, Prosecution Exhibit 2249, reproduced earlier in this section.

[4] The reference is to the Hitler decree of 17 July 1941, reproduced in section VI H, volume XII, this series, as part of Document NG-1280, Prosecution Exhibit 529.

established the Economic Executive Staff East, where all government branches concerned are combined and have the opportunity of asserting their points of view and to influence the instructions which are to be issued to the economic authorities in the occupied territories. State Secretary Koerner will direct the Economic Executive Staff East as my deputy.

2. During operations in the territories not yet under civilian administration, the Economic Staff East, headed by Major General (Air Force) Schubert, will be the executive [ausfuehrendes] organ of the Economic Executive Staff East.

3. Until further notice I reserve my personal decision—

a. In questions of fundamental importance for the German war economy.

b. In all questions touching on the fundamental shaping of the economic structure in the newly occupied Eastern Territories.

c. In all important economic questions concerning the occupied territories as a whole.

d. In important individual questions when specially ordered.

4. I request that suggestions and requests in connection with the cases quoted under figure [paragraph] 3 are submitted to me through the Economic Executive Office East.

5. The operation of the economy in the Occupied Eastern Territories will be governed by the directives contained in the "Green folder".

GOERING

L. Decree of the Reich Marshal of the Greater German Reich, Plenipotentiary for the Four Year Plan, of 31 July 1941

Teletype: WOKR No: 5230

Plenipotentiary for the Four Year Plan

FSA No. 236 19.55

The Reich Marshal of the Greater German Reich
Four Year Plan

12 262 Berlin, 31 July 1941

To OKW/Economic Armament Office.

By decree of 22 July 1941, the Fuehrer has ordered that from 1 August 1941, the administration of the following territories is to pass from the military offices to the offices of the civilian administration:

a. The territory around Wilno, bordered by the former Lithuanian border in the East and Southeast, to the Reich Commissioner Ostland.

b. The district Bialystok, bordered by the Neman [River], from the southeast tip of East Prussia to Mosty (excluding Grodno),

including Wolkowsk, including Pruczany, to the Oberpraesident East Prussia.

c. The territory of Lvov, bordered in the Northeast by the old state border of Galicia; in the East by Zbrucz to its junction with the Dnestr; in the Southeast by the former border to Rumania; to the Governor General.

With reference to this I ordered, by virtue of the Fuehrer decree of 29 June 1941 concerning economic administration in the Occupied Eastern Territories and in pursuance of my decree of 18 July 1941—Four Year Plan 11 604:

I

In accordance with figure III of my decree of 18 July 1941, those districts mentioned under A to C will be separated as from 1 August 1941 from the sphere of activities of the Economic Staff East.

II

For the district around Wilno the regulations apply which are mentioned under Figure II of my decree of 18 July 1941.

III

Until further notice, in the district of Bialystok, the Economic Command Minsk is at the disposal of the Oberpraesident of East Prussia for the handling of economic matters.

IV

Until further notice in the district of Lvov, the Economic Command Lvov is at the disposal of the Governor General for the handling of economic questions. The experts in mineral oil of the Reconnaissance Unit of the Economic Command Lvov have to carry out their present tasks until further notice according to the directives of the Economic Staff East.

V

The "directives for the operation of economy" (Green folder), and the regulations of my decree of 27 July 1941 V. P. 12025, will be valid until further orders in the areas which now come under the civil administration.

VI

The directives required in the interests of German war economy and concerning the economic exploitation of areas put under civil administration will be issued by me through the Economic Executive Staff East. It will especially fix the quantities of food and industrial raw materials to be sent to the Reich. In cases

of doubt which are of an essentially economic character and especially in cases in which the chiefs of civil administration may want to deviate from the orders of special importance of the Economic Executive Staff East, my decision must be obtained by way of the Economic Executive Staff East.

VII

The Reich Commissioner Ostland, the Oberpraesident of East Prussia and the Governor General are requested to report to me by way of the Economic Executive Staff East, Berlin W 8, Leipzigerstrasse 3, on the economic development in the areas taken over by them.

AS DEPUTY:

KOERNER

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O. Decree of the Reich Marshal of the Greater German Reich, Plenipotentiary for the Four Year Plan, of 17 October 1941, and Implementing Regulations of the High Command of the Wehrmacht of 17 October 1941

The Reich Marshal of the Greater German Reich
Plenipotentiary for the Four Year Plan
Economic Executive Staff East
V.P. 17064/1

Berlin, 17 October 1941
Leipzigerstrasse 3.

By the decree of 11 October 1941—OKW/WFSt/Department L (IV) No. 684/41—the Fuehrer has ordered that as from 20 October 1941 the following district should be separated from the sphere of military operations, namely from the Army Group Rear Areas South and Center, and transferred to the civil administration of the Reich Commissioner Ukraine.

* * * * * * *

By virtue of the Fuehrer's decree concerning economic administration in the occupied territories of 29 June 1941 and in connection with my decree of 27 August 1941—V.P. 13704/ 1 g—I order the following:

I

The above-mentioned areas will be separated from the sphere of activity of the Economic Staff East according to my decree of 18 July 1941—V. P. 11 604—effective 20 October 1941.

II

* * * * * * *

III

I once more remind the Reich Commissioner Ukraine that he has to make a report every 2 weeks to me through the Economic Executive Staff East, Berlin W 8, Leipzigerstr. 3.

IV

Sections IV and V of my decree of 27 August 1941—V.P. 13 704—are valid for the areas recently taken over by the civil administration.

AS DEPUTY:

KOERNER

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P. Decree of the Reich Marshal of the Greater German Reich, Plenipotentiary for the Four Year Plan, 8 November 1941, and Implementing Regulations of the High Command of the Armed Forces, 12 November 1941

The Reich Marshal of the Greater German Reich
Plenipotentiary for the Four Year Plan
V.P. 18675/1/6

Berlin W 8, 8 November 1941
Leipzigerst. 3

a. By the decree of 4 November 1941—OKW/WFSt/L.IV No. 764/41—the Fuehrer has ordered that as from 15 November 1941 the following area will be separated from the Army Group Rear Area South of the Army operations area.

* * * * * * *

The area will be transferred to the civil administration of the Reich Commissioner for the Ukraine.

b. With the same decree the Fuehrer has furthermore ordered that the following area will be separated very soon from the Army's operations area on a date which will be announced by the High Command of the Army.

* * * * * * *

The area will be transferred to the civil administration of the Reich Commissioner for the Ostland.

c.

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According to the directives mentioned in sections *a* and *b*, I order by virtue of the Fuehrer decree dated 29 June 1941 con-

cerning the economy in the Occupied Eastern Territories, and in pursuance of my decree of 17 October 1941—V.P. 17064/1:

1. The areas mentioned will be separated from the sphere of activity of the Economic Staff East according to my decree of 18 July 1941—V.P. 604/1—to 15 November 1941—re B. on a date to be announced later by the High Command of the Army.

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3. For the rest, the regulations of my decree of 17 October 1941—V. P. 17064/1—and the previous decrees connected therewith, are valid also for the new areas to come under civil administration.

AS DEPUTY:

KOERNER

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Q. Decree of the Reich Marshal of the Greater German Reich, Plenipotentiary for the Four Year Plan, of 12 December 1941, order of OKH of 1 December 1941 and implementing regulations of the OKW of 18 December 1941

The Reich Marshal of the Greater German Reich

Plenipotentiary for the Four Year Plan

Economic Executive Staff East

V.P. 20823/1/6

Berlin W 8, 12 December 1941

The Fuehrer and Supreme Commander of the Armed Forces has ordered by the decree of 29 November 1941—OKW/WFSt/Department L (IV/Admin.) No. 841/41—that the former Estonia will be separated from the administration of the Army Group Rear Area North as of 5 December 1941 and will become a part of the Reich Commissariat Ostland. * * *

By virtue of the Fuehrer's decree of 29 June 1941 concerning the economy of the Occupied Eastern Territories, and in pursuance of my decree of 18 July 1941—V.P. 11 604—as well as in pursuance of the subsequent decrees which are connected herewith concerning the organization of the economic administration in the Occupied Eastern Territories, I order—

1. The former Estonian territory will be separated from the sphere of activity of the Economic Staff East as from 1 January 1942. Effective the same date the Economic Inspectorate North will leave the area of the former Estonia, and its sphere of activity will be limited to the area of operations of the Army Group North.

* * * * * * *

3. The "Directives for the Direction of the Economy in the Newly Occupied Eastern Territories (Green folder)" and my decree of 27 July 1941—V.P. 12025—will be also valid until further notice in the new territories which will come under civil administration.

* * * * * * *

4. Figure III of my decree of 18 July 1941—V.P. 11 604—and the Figures VI and VII of my decree of 31 July 1941—V.P. 122 62—are valid also in the territories coming under civil administration.

5. The Reich Commissioner for the Ostland will report to me and to the Reich Minister for the Occupied Eastern Territories, the taking over of the economic administration in the territory of the former Estonia.

AS DEPUTY:

KOERNER

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Tenth Chapter—Transportation and Traffic

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B. Planning the Carrying Out of Economic Transports [Wirtschaftstransporten] from and to the Occupied Eastern Territories According to Priority Lists for Economic Transports

(Decree of the Reich Marshal for the Greater German Reich, Plenipotentiary for the Four Year Plan, of 14 November 1941 and 19 May 1942)

The Reich Marshal of the Greater German Reich
Plenipotentiary for the Four Year Plan
Economic Executive Staff East
V.P. 8492/2 g

Subject: Planning and carrying out of the economic transports to, from, and in the Occupied Eastern Territories.

For clarification of the proceedings and jurisdiction in the planning and execution of the economic transports on the railroad to, from, and in the Occupied Eastern Territories (East economic transports) the following has been decided in agreement with the Reich Minister for the Occupied Eastern Territories, the High Command of the Armed Forces/Economic Armament Office and the Chief of Transportation of the Armed Forces:

a. The Four Year Plan (Economic Leadership Staff East) is the highest decisive authority for all questions concerning the

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planning and carrying out of East economic transports, as far as they are not of a technical transport nature.

The inadequate conditions of the railroads in the East make it necessary to incorporate in the general transportation program the economic transports with the Armed Forces transports. For this the following is necessary: (1) a plan for all economic transports, and (2) its notification to the transport offices of the Transportation Chief of the Armed Forces, and the time of its execution.

To (1)—Planning.—The planning of the economic transports will be carried out in such a way that the Four Year Plan (Economic Executive Staff East) will hand to the Chief of Transportation [of the Armed Forces] monthly programs for the economic transports to be carried out to, from, and in the Occupied Eastern Territories. These programs will be drawn up through the Economic Staff East, Dept. Transport and Traffic, by order of the Four Year Plan (Economic Executive Staff East) on the basis of the supplies [Beitrage] to be delivered by the special departments of the Ministry for the Occupied Eastern Territories and the main groups of the Economic Staff East. For the listing of these supplies the Reich Commissioners and the Economic Inspectorates will report their transportation requirements to the corresponding special departments of the Ministry for the Occupied Eastern Territories, or the main groups of the Economic Staff East. In the requests of the Reich Commissioners are also to be considered the requirements of the armament inspectorates and their branches, including the indirect troop requirements. A special ruling applies to the workers' transports.

As the transport space available for economic transports does not suffice for all requirements, all requests must be confined to the most important consignments and the absolutely necessary transport space. Excessive demands damage the interests of others, they are therefore to be avoided.

The Chief of Transportation of the Armed Forces will establish on the basis of the notification what transport space (timetables) can be held available for economic transports according to the technical transport possibilities. He will announce the resulting economic transport plans as early as possible to the transportation offices, the Four Year Plan, OKW/Economic Armament Office and Economic Staff East.

If the transport plans which are made available fall below the reported requirements, the Four Year Plan (Economic Leadership Staff East), in agreement with the participants, will decide the kind and extent of the necessary program cuts. Examination and decision also extend to the workers' transports.

To (2)—Notification.—All transports will be given transport numbers. After the approval of the transport plan these are to be applied for as follows through the Chief of Transportation, in order to superintend the adherence to the transport plans and prevent their violation:

1. Transports from the Reich to the Occupied Eastern Territories through the Economic Staff East from F Dept./Gr.Wi.

2. Transports within the Eastern Territories in West—East direction: through the armament and economic offices, from the competent economic transport managements.

3. Transports in East—West direction: (*a*) within the Eastern Territories, and (*b*) from the Eastern Territories to the Reich through the armament and economic offices, from the competent transport field headquarters and transport group of the field railroad detachment, with simultaneous notification to the competent economic transport management.

The transport offices are instructed to refer or pass on to the armament and economic offices named under 1 to 3, all notifications of economic transports coming to them from other offices. Excepted from this are the workers' transports which the labor allocation offices will announce to the transport offices according to the special regulations issued concerning this.

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AS DEPUTY:

KOERNER

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Eleventh Chapter—Labor Allocation

A. General

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B. Labor Exchange in the Occupied Eastern Territories

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C. Labor Recruitment for the Reich

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3. Decree of the Plenipotentiary General for Labor Allocation concerning the Labor Allocation of Russians, 31 March 1942

[Translation presented by defense]

The Plenipotentiary for the Four Year Plan

The Plenipotentiary General for Labor Allocation

Berlin S. W. 11, 31 March 1942

Va 5780.28/742

To the Reich Minister for the Occupied Eastern Territories

For the attention of Herr Reich Minister Rosenberg or deputy

Berlin W 35

To the Economic Staff East, Labor Group

For the attention of Chief of the War Administration, Dr. Rachner

In this building, (Reich Labor Ministry)

Subject: Allocation of Russians

In my capacity as Plenipotentiary General for Labor Allocation, I have taken over the powers with which the Reich Marshal endowed the "Working Group—Labor Mobilization" to enable them to supply the requisitioned Russians. It is of decisive importance in order to relieve the labor situation in the Reich, that the requisition for Russians be fulfilled. *I therefore request that all possibilities be exhausted, in order to bring the largest number of civilian laborers from the newly occupied Eastern Territories to the Reich as quickly as possible.*

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SAUCKEL

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Thirteenth Chapter—Industrial Economy

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B. Manufacture of Arms and Munitions and Expansions of the Power Industry

(Decree of the Reich Marshal of the Greater German Reich and Plenipotentiary for the Four Year Plan, 22 May 1942)

[Translation presented by the defense]

The Reich Marshal of the Greater German Reich

Plenipotentiary for the Four Year Plan

Berlin, 22 May 1942

V.P. 9433/6/2/4/1

Ordinance concerning the production of arms and ammunition and the development of the power industry in the Occupied Eastern Territories

The production facilities for arms and ammunition in the Occupied Eastern Territories are to be harnessed to the war effort. In accordance with the powers vested in me through the Fuehrer's decree concerning the economy in the newly occupied Eastern Territories, dated 29 June 1941, I therefore order the following:

1. The Plenipotentiary General for Armaments (GB Ruest) decides which plants in the Occupied Eastern Territories are to be utilized for the production of war equipment.

2. For that purpose, the Plenipotentiary General Ruest is given authority to dispose directly over the plants designated by him. In addition, he can commandeer all installations suitable for the production of war equipment.

3. In order to restore, install, and operate the plants, efficient firms from the Reich are to be appointed as sponsor firms. It is desirable for a larger number of firms to be included. At the same time, the power industry must be developed.

4. The Plenipotentiary General Ruest is authorized to issue the orders necessary for the execution of these tasks in my name.

5. All military and civilian agencies in the Occupied Eastern Territories are requested to assist the Plenipotentiary General Ruest in the execution of his task to the fullest extent.

GOERING

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G. Raw Materials

1. Seizure and Utilization of Industrial Raw Materials and Other War-Essential Materials in the newly Occupied Eastern Territories.

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2. Appointment of a Plenipotentiary for Scrap and Old Metal Seizures in the Occupied Territories.

(Decree of the Reich Marshal of the Greater German Reich, Plenipotentiary for the Four Year Plan, of 9 July 1941)

The Reich Marshal of the Greater German Reich
Plenipotentiary for the Four Year Plan

Berlin W 8, 9 July 1941

V.P. 10382/4

The continuing occupation of Soviet Russian territory necessitates, just as in the occupied Western Territories and in Serbia, the seizure and direction of the scrap metal found there. This task must be carried through by a central agency in view of its importance for the conduct of the war. The tasks of the Commissioner for Scrap Metal, Captain (Cavalry) Schu, hitherto confined to the occupied Western Territories and to Serbia, will therefore be extended to the whole occupied territories. Consequently Captain Schu will be appointed "Commissioner for Scrap Metal Seizure in the Occupied Territories."

The High Command of the Armed Forces will give the necessary directives in agreement with the Plenipotentiary General for the Iron and Steel Allocation.

AS DEPUTY:

KOERNER

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H. Assignment of Deputies of the Plenipotentiary General for Special Questions of Chemical Production in the Economic Staff East (Decree of the Economic Staff East, 14 August 1941)

[Translation presented by the defense]

Economic Executive Staff East

File Number 66 b 9917 Russia Ro Ia

No. 7314/41 secret Berlin, 14 August 1941

Assignment of Deputies of the "Plenipotentiary General for Special Questions of Chemical Production" to the Economic Staff East

I

The task of the Plenipotentiary General for Special Questions of Chemical Production (G.B.Chem) is—in the special fields of mineral oils, chemistry (Buna, nitrogen, etc.) light metals, powder explosives, as well as of synthetical industrial oils and fats, including all preliminary and intermediate products—to guarantee, within the shortest possible time and in the most economical manner, a maximum of production in the entire European economic area as required by the Reich Defense.*

II

It is the task of the deputies detailed [abkommandierten Beauftragten] by the Plenipotentiary General for Special Questions of Chemical Production to the Economic Staff East, within the framework of duties as listed under I, to study all possibilities for a most practical utilization of the possibilities of the above mentioned areas of production in the Occupied Eastern Territories; for organizing them systematically; for exploiting them in the most economical manner from the technical viewpoint and for possibly developing them; and to make suggestions to the Plenipotentiary General for Special Questions of Chemical Production.

III

Together with the Economic Armament Office of the OKW and the Reich Ministry of Economics, the Plenipotentiary Gen-

* Evidence concerning plans for exploiting chemical and related industries in occupied Russia is reproduced in the materials concerning the I.G. Farben case (vols. VII and VIII, this series.)

eral for Special Questions of Chemical Production will make his decisions on the basis of these suggestions and will work out the plans for the exploitation of those possibilities.

IV

The deputies will be appointed upon suggestion of the Plenipotentiary General for Special Questions of Chemical Production by the Economic Staff East.

V

For the duration of their assignment, the deputies of the Plenipotentiary General for Special Questions of Chemical Production will be assigned to the Economic Staff East by the Chief Group W of the Economic Staff East via the Chief of Supply and Administration [Gen. Qu.], and will have the civil service rank suggested by Plenipotentiary General for Special Questions of Chemical Production. For the duration of their assignment, they are personally subordinate to the Chief Group W of the Economic Staff East and will be attached [from] the Economic Staff East to the Economic Inspectorates in keeping with the requirements of local conditions.

VI

Plenipotentiary General for Special Question of Chemical Production to give immediate specified directives to his deputies attached to Economic Staff East, after first having informed the Economic Armament Office of the OKW and the Reich Ministry of Economics. The deputies are exclusively responsible to the Plenipotentiary General for Special Question of Chemical Production for carrying out these specified directives.

Economic Staff East and its subordinate agencies will provide all necessary support in order to achieve a speedy execution of each order.

VII

The deputies of the Plenipotentiary General for Special Questions of Chemical Production attached to the Economic Staff East will forward all requests and suggestions with regard to the exploitation of enterprises to the Economic Staff East, which will give the necessary orders. These orders will be carried out by the competent Referenten of the department for industrial economy. The deputies of the Plenipotentiary General for Special Questions of Chemical Production have, therefore, no right to give any directives to enterprises. The Plenipotentiary General for Special Questions of Chemical Production will be informed by the Economic Staff East about the orders issued for the execution of its requests and suggestions.

VIII

For the carrying out of measures planned by the Plenipotentiary General for Special Questions of Chemical Production, directives from the Economic Armament Office of the OKW with the approval of the Reich Ministry of Economics will be issued at the same time.

IX

Transportation, especially motor vehicles (with driver) will be provided by the Main Department Raw Materials [of the Economic Armament Office of the OKW] or the Economic Staff East. Necessary clerical personnel will be provided from those offices of the Economic Staff East to which the deputy of the Plenipotentiary General for Special Questions of Chemical Production is assigned.

BY ORDER:

THOMAS

Fifteenth Chapter—Forestry and Lumber Industry

A. General

* * * * * * *

B. Assistance in the Removal of Timber by the Agricultural Industry in the Occupied Territories

(Decree of the Reich Marshal of the Greater German Reich, Plenipotentiary for the Four Year Plan, of 20 June 1942)

Reich Marshal of the Greater German Reich

Plenipotentiary for the Four Year Plan

Economic Executive Staff East

V.P. 11 0 27/6 Berlin W 8, 20 June 1942

Subject: Assistance for the removal of timber by the agricultural industry in the Occupied Eastern Territories

At the meeting of the Economic Executive Staff East on 6 May 1942, reference was made to the difficulties which exist in making available in time timber for purposes important to the conduct of the war, especially because the timber cannot be transported to the required extent from the felling places to the river and railroad disposal centers. To lessen these difficulties it is necessary that forestry and the lumber industries are assisted by agriculture by providing farm carts and agricultural labor to the greatest possible extent, especially for the time between planting and grain harvesting. Effective help, however, will not be possible everywhere, since especially the shipment of not-yet-harvested grain of the grain crop of 1941 must yet be assured.

I also ask you to commit in general those agencies subordinated to you to support forestry and lumbering in those cases where it can be justified to assist forestry and the lumber industry, considering the war-economic importance of agriculture as well as punctual delivery of sufficient quantities of lumber for military supply. For the territories which are under civil administration I request you to apply the same.

AS DEPUTY:

KOERNER

PARTIAL TRANSLATION OF DOCUMENT NG–4900 PROSECUTION EXHIBIT 3924

LETTER FROM DEFENDANT SCHWERIN VON KROSIGK TO ELEVEN GOVERNMENT OR PARTY LEADERS, INCLUDING DEFENDANTS LAMMERS AND DARRÉ, 4 SEPTEMBER 1942, CONCERNING GERMAN ADMINISTRATION IN THE OCCUPIED EASTERN TERRITORIES, AND LETTER FROM DEFENDANT BERGER TO HIMMLER, 14 SEPTEMBER 1942, TRANSMITTING AN AGREEMENT BETWEEN SCHWERIN VON KROSIGK AND ROSENBERG*

I. Letter of Schwerin von Krosigk, 4 September 1942

[Stamp on each page of the original]
Personal Staff Reich Leader SS, Archives,
File No. [Handwritten] G 140

Copy/Be — Berlin, W 8, 4 September 1942
The Reich Minister of Finance — Wilhelmplatz 1/2—
Y 5205—324 V secret — [Stamp] Secret

Secret

Administration, Economy, and Finances of the Occupied Territories in the East

The Reich expects considerable economic and financial relief to come from the Occupied Eastern Territories. These territories are to secure the food for the German people. Oil, coal, ores, and other raw materials are to be taken out of the East for the purposes of the German, nay, the European economy. A considerable part of the war expenditures—especially the interest and

* Document NG–4900 contained several items concerning the administration of the Occupied Eastern Territories which were found in the files of the Personal Staff of Reich Leader SS Himmler. Only the two items here mentioned are reproduced herein.

amortization expenditures—of the Reich are to be covered by the financial surplus of the Occupied Eastern Territories and by the integration of the difference in prices between the Reich and the East. Even now the occupied territories in the East have gained an extraordinary importance within the framework of the German war economy. For food supplies, they are the largest supplier of the armies in the field. The mining of shale [Oelschiefer] in Estonia, and of manganese ore in the Ukraine, are valuable credit items. In spite of Soviet destruction, a multitude of industrial plants go on working. The labor potential of the East is serving our production. Even greater use will have to be made of the Eastern Territories in the present situation. In this connection I may refer to the statements of the Reich Marshal at the meeting of 6 August 1942.*

Considering the enormous importance of the East, I am filled with a growing anxiety by the developments which now are taking place in the Occupied Eastern Territories. From the point of view of a careful and responsible financial policy of the Reich, which always tries to put stress on harmony with the total interests of the German Reich and people, I feel obliged, warningly, to point out certain symptoms which show rather doubtful deviations from the necessary straight and clean line; deviations which, in the end, will become a burden to the Reich.

It would have been within the meaning of the original plan to have entrusted a unified, strong leadership with the building-up of administration and economy. Industry [Wirtschaft] committed in the East should not be the governing factor [den staat fuehren], but rather the wealth [Vermoegen] of the Reich, which was acquired by force by German soldiers in self-sacrificing combat and, still being so acquired, should be administered and kept in trust, in the true sense of the word, in the interests of the Reich and used exclusively to further its interests. The power and the skill of the German entrepreneurs should have been utilized through several big East companies, whereas the political direction should have been safeguarded by the Reich Commissioners concerned. These measures of organization were supposed to form the basis of a clear and simple price policy which would have helped, on its part, to relieve the immense financial stress on the Reich.

In fact, the originally intended unity of administration and economy was not maintained. I can well understand that conditions in some extremely important spheres have asked for an even stricter direction and centralization. But the fact that now

* Extracts from the transcript of this meeting are reproduced above in section D 1 as a part of Document NI-10105, Prosecution Exhibit 3429.

organizations, companies, and structures of all kinds just grow like mushrooms must give rise to serious anxiety.

In some cases, these structures might have been fathered by the wish to tackle a certain problem in the German way, by giving especial consideration to the specific features of a trade or of an individual undertaking, applying all the means of German super-thoroughness, and, in this process, the questions of the most expedient ways of employing people and the proper use of available means are often disregarded. A typical example of this group of cases seems to me the activities of a central bookkeeping office at the headquarters of a Commissioner General, of which I am told that they—the number of their intended personnel being 60!—are sending bookkeeping forms and so on to the indigenous peasants which, I imagine, meet with very little appreciation on the part of the people concerned. The picture is rounded up by special commissioners, special plenipotentiaries, central trustees, economic organizations after the German pattern. If one imagines for once the multitude of authorities working on one heap in the East nowadays, then one can understand that even German authorities hardly know any more who is concerned with what, and that the population is asked to put up with a superstructure of administration which they cannot at all understand. In any case, the necessary unity of executive power has been lost to a large extent in the local offices. Here we have the old mistake of over-organization wasting men and means, which, especially under the conditions prevailing in the East, should have been avoided. People who are qualified to judge tell me: "We ourselves don't know any more which is an authority and which is not, what belongs to an authority or to a semi-official company, or to the large group of selfish hyenas of the battlefield."

This leads me to another group of cases which today has, unfortunately, grown quite large. It is undesirable in the highest degree to continue on the road of splitting and partitioning of responsibilities, but it is of even greater import that the founding of organizations, companies, and so on is often visibly influenced by the wish to become independent of factual and financial control, to withdraw the moneys from circulation in public money institutions [aus dem Verkehr der oeffentlichen Kassen herauszunehmen], to appear in the budgets of the Reich Commissioners with net figures [Nettospitzen] only, and to avoid the directive powers of the office in which the total responsibility for any local action should be firmly rooted. This observation causes me all the more serious anxiety since selfish motives are connected with the tendencies described, and I do not need to stress how

much they are at variance with the sacrificial spirit of our soldiers. Representatives of the Party and the State have informed me of numerous cases. For instance: for a task which could well have been left to a referent of the Reich Commissioner, a company was formed under civil law, the director of which receives a salary which is very high by German standards, and fantastic by Eastern standards, although he has, considering the situation of the locality, the benefit of higher comfort than he would have in the homeland where life is now keyed to the war and its necessities. Companies are being formed where the much quoted initiative spirit of the entrepreneur is shown mainly in the way he managed to get the figure of his salary fixed. Highly paid trustees are employed in undertakings where badly paid indigenous personnel do the real work, because they have a more intimate connection with it and a better knowledge of the circumstances. A stream of employees flows into the East in the service of private firms or of public companies, and their salaries astound and annoy the combat soldier who asks, quite rightly, why they could not be paid on the basis of the general service law [Dienstverpflichtung], or whether their payments could not have been restricted to certain special service dues.

For instance—an employee who was up to now keeping lists in a finance office and who, according to his superiors "could easily be spared, considering his efficiency," has been sent to the East by an Eastern company [Ostgesellschaft] with a gross salary of 1800 RM per month. Even the directors of semi-official offices are offered salaries which give one the impression that the feeling that one is putting one's working capacity and one's qualifications at the disposal of the fatherland is not the one and only incentive for dutiful action; but only for the financial advantages. Thus, not only are profits made out of the war in the East, but also, dangers are invoked to the detriment of the Reich, the seriousness of which in respect of economy and finances of the East cannot be sufficiently stressed.

These symptoms are all the more dangerous [The word "pleasing" is crossed out by hand and "dangerous" written over it], since in some important spheres, great things have been achieved for the supply of the troops, and especially in such spheres where the administration was unified and closely-knit from the top down to the last employee. Even these great things are being endangered by the centrifugal tendency of the parts; by the splitting up into innumerable forms of organization; by the attempts to avoid financial and administrative control; and by the outbreak of an unbridled, economic egoism in the place of the true initiative of the entrepreneur which, in itself highly appreciable, should

be politically and financially tied—in short, by the falling apart of the political and the economic factors.

Even in spheres of vital importance, these things have led to the original, clear directives given by the Fuehrer and the Reich Marshal being blurred. That is especially so in the spheres of prices and of finance.

Important key prices have been forced up and sometimes the figure has been multiplied without necessity, although it should have been clear that in the East, more than anywhere else, other media but money serve as an incentive for increasing production —that is, especially barter goods such as tobacco and liquor. Within a short time, it has happened that prices have been exceeded which, for example, formerly resulted in considerable export gains on the part of the Baltic countries as against the Reich. One could let these price increases go at that if they would be utilized for the budget of the territory. But although this seems a basic requirement of the harmony between money and commodity exchange, certainly necessary in the long run, the thought seems foreign to many authorities.

I must point out with great emphasis—we will never have a sufficiently orderly state of affairs in the East nor, in the long run, the expected, large increase of power in the interest of the German economy; on the contrary, the battle in the East—in the financial and economic spheres—will end with only modest success, unless the political and economic factors are joined closely and uniformly, and the preponderance of the State is put on a firm basis [die staatliche Praponderanz untermauert wird]. The East demands subsidies after subsidies [Zuschuesse] from the Reich instead of delivering profits [Ueberschuesse] or, at least, the sluice gate profits [Schleusengewinne] arising from the price difference between the Eastern Territories and the Reich which, according to the words of the Fuehrer, should help to pay the interest of and amortize the German war debt. The high salaries, the expenditure of the companies which are administering the property of the Reich and, also, the reconstruction in the different spheres of the economy, have to be borne to a considerable extent by the German taxpayer. There is no doubt that in the time of the Soviets, even financially, much more has been gained from the territories we hold occupied. Considering the mounting debts of the Reich, which today exceed the sum of 160 billions, and considering the enormous financial needs of the Reich as they are today and as they will be in future, the Occupied Eastern Territories will have to be utilized financially to a much higher degree than is the case at present. The alternative, whether the burden should be raised in the Reich or in the East, can, in my

opinion, definitely only be answered by saying that it should be raised in the East. If a corresponding contribution to the expenses of the Armed Forces in the East could be demanded from the economy of the Occupied Territories in the East, as the Western territories are paying as occupation costs, then one would arrive at a sum of more than 20 billion of reichsmarks.

The financial economy in the Reich Commissariats and, also, in the rear areas of the armies must be organized in a simple and sweeping way [grosszuegiger Weise]. Conditions in the East which have grown there during centuries will have to be counted in—it is impossible to work there with an income tax after the German pattern. By reasons of private management [schon aus Gruenden privatwirtschaftlicher Handhabung], and considering that all possibilities to invest money must be exhausted, and also in view of the size of the expenditure [Aufwand] of their organs as it can even now, during the war, be observed, the profits of the companies described above will not yield considerable amounts for the financing of the total reconstruction. Neither skimming of profits [Gewinnabschoepfung] nor income tax after the German pattern are indicated in the East. Indirect taxes, if not possible otherwise, also at the expense of the prices, [are] not to be introduced or developed. The special productivity of certain consumer goods, especially of tobacco, brandy and sugar must be exploited, which should be done in the simplest way in which such taxes can be introduced. I wish to point out that during the Czarist period, more than half of all revenues came out of the brandy monopoly.

In connection with this, the expenditures [Ausgabenwirtschaft] must be concentrated in a few hands, if possible in one place. The expenses of the German administration must be accounted for in gross figures in the territorial budgets. But especially, political and financial state control must be made possible, in order to encounter the excesses I pointed out above. This control seems to me to be an important condition for the return of the desired cleanliness and for the proper supervision of that circle of loot-hungry, interested parties. We cannot afford to unleash the egoistic instincts. We have to see to it that the interests of the whole are put first. It is in these interests that all political organizational production, price, wage, and finance measures must be brought into line with the aim, indicated by the Fuehrer and the Reich Marshal, of belligerent exploitation [kriegsmaessige Ausnuetzung] of all territories in our hands; of the extirpation of all superfluous organizations and structures; and, not least, the elimination of private greed, the excesses of which are not only influencing the political attitude of the in-

digenous population to our own detriment, but which are also unworthy of the attitude of the front and the homeland.

I believe that all measures must be taken with all possible pressure and speed which seem apt to put a stop to the tendencies I have described.

[Signed] COUNT SCHWERIN VON KROSIGK

To—The Reich Marshal of the Greater German Reich
The Reich Minister and Chief of the Reich Chancellery
The Chief of the High Command of the Armed Forces
The Commander in Chief of the Army
The Chief of the Party Chancellery
The Reich Minister for the Occupied Eastern Territories
The Reich Minister for Armament and Munitions
The Reich Minister of Economics
The Reich Minister of the Interior
The Reich Minister for Food and Agriculture
The Reich Commissioner for Price Administration

2. Letter from Berger to Himmler, 14 September 1942

Berlin W 35, 14 September 1942
Luetzowstrasse 48/49
Post Box No. 43

The Reich Leader SS
Chief of the SS Main Office
Chief of SS Main Office/Be/Vo. Locked Diary No. 3494/1942 secret

[Stamp] Secret [Stamp] Secret

Subject: Agreement between the Reich Minister of Finance and the Reich Minister for the Occupied Eastern Territories

Reference
Enclosure: 1

[Handwritten] 5 October 1942
[Initials] H. H. [Heinrich Himmler]

To Reich Leader SS and Chief of the German Police
Field Command Post
Reich Leader!

Enclosed I am passing on the agreement between the Reich Minister of Finance and the Reich Minister for the Occupied Eastern Territories, for your information.*

[Signed] G. BERGER
SS Gruppenfuehrer

* The enclosure was not a part of the document introduced in evidence.

PARTIAL TRANSLATION OF DOCUMENT NI-5261
PROSECUTION EXHIBIT 1994

LETTER FROM DEFENDANT KOERNER, 10 MAY 1943, FORWARDING COPIES OF THE MINUTES OF THE MEETING ON 31 MARCH 1943 OF THE VERWALTUNGSRAT OF THE MINING AND STEEL COMPANY EAST (BHO), AND EXTRACTS FROM THESE MINUTES STATING, AMONG OTHER THINGS, THAT DEFENDANT PLEIGER SUCCEEDED DEFENDANT KOERNER AS CHAIRMAN OF THE VERWALTUNGSRAT

The Chairman of the Verwaltungsrat of the Berg— und Huettenwerksgesellschaft, Ost m.b.H.

[Handwritten] To Kuettner, taken care of

[Stamp]
Received
12 May 1943
No.----------

[Initial] KUE [Kuettner]
[Initial] W [Weiss]
[Initial] F [Flick]

Berlin W 8, 10 May 1943
Leipzigerstrasse 3

[Illegible initials]

For your information enclosed please find copy of the minutes of the meeting of the Verwaltungsrat of 31 March 1943.

Signed: KOERNER

Certified

[Signed] SCHWINGE
Ministerial Registrar

To: a. Director General Pleiger
b. Oberberghauptmann Gabel
c. Ministerial Director Dr. Schlotterer
d. Ministerial Dirigent Nasse
e. Ministerial Dirigent Marotzke
f. Ministerial Dirigent, Bergrat (retired) Hess
g. Consul H. G. Kroeger
h. Herr Westerop
i. Director General Dr. Friedrich Flick*
k. Director General Dr. Pott
l. Director Max Langenohl
m. Director General Dr. Poensgen
n. Director General Bergassessor (retired) Heinrich Wisselmann

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* The original of this document was found in the files of the Flick Concern and hence the initials at the top of the document. This document was also introduced in evidence in the Flick case. For materials on the Flick case see Volume VI, this series.

Minutes of the Verwaltungsrat meeting of the Berg-Huettenwerksgesellschaft Ost m.b.H. under the chairmanship of State Secretary Koerner on 31 March 1943 at 16:00 o'clock in the Prussian State Ministry, Berlin W 8, Leipziger Str. 3.

[Initial] F [Flick]

Present at the meeting were the following gentlemen:

For the Verwaltungsrat—

Oberbereichsleiter Malletke
Ministerial Director Dr. Schlotterer
Ministerial Director Oberberghauptmann Gabel
Ministerial Dirigent Nasse
Ministerial Dirigent Bergrat (retired) Hess
Director General Dr. Flick
Consul Kroeger
Herr Westerop
Director Langenohl

For the Management—

Director General and State Councillor Pleiger
Ministerial Director Dr. Flottmann
Dipl. Ing. Dr. Lueth

Also—

Ministerial Counselor von Normann, for the Plenipotentiary for the Four Year Plan
Government Councillor [Regierungsrat] Freiherr von Meysenbug, for the Staff Office
Notary Hengstenberg
War Administration Councillor Dr. von Kreisler, for the Plenipotentiary for the Four Year Plan as recorder

The following gentlemen took part in the subsequent shareholders' meeting:

Bergassessor (retired) Helling as representative of the Economic Group Mining Industry
Manager Dr. Reichert as representative of the Economic Group Iron Producing Industry

To V. P. 5645

State Secretary Koerner, in some introductory remarks, referred to the repercussions of the general development in the Ukraine upon the activities of the firm, and at 1617 hours opened the meeting of the Verwaltungsrat of the company, stating that the necessary quorum was present. He welcomed the members and the gentlemen of the management present and announced that, to his regret, he was, according to an order from the Fuehrer, resigning the chairmanship of the Verwaltungsrat, being a

958402—52——57

member of the Reichstag. On the suggestion of the Reich Ministry of Economics, Director General and State Councillor Paul Pleiger is now appointed new chairman of the Verwaltungsrat, after approval of this appointment by the Reich Marshal.

State Secretary Koerner further announces that General von Hanneken and Ministerial Director Marotzke have been relieved of their duties with the Verwaltungsrat at their own request, and takes this opportunity to thank the gentlemen on behalf of the Verwaltungsrat for their cooperation. The Reich Ministry of Economics has proposed, and the Reich Marshal has agreed, that the departments of the Reich shall not in future send permanent representatives to the Verwaltungsrat meetings, but will only be entitled to participate in all meetings so as to keep informed about the business management of the affairs. New members appointed are—

As a representative of Commerce, Dr. Hayler; and as a further representative for the Iron Processing Industries, Herr Alfried von Bohlen und Halbach.* This appointment is made subject to their concurrence.

The new Verwaltungsrat will therefore be composed as follows:

Director General and State Councillor Pleiger, Chairman
Ministerial Director, Oberberghauptmann Gabel, Deputy Chairman
Director General Dr. Ernst Poensgen
Director General Dr. Friedrich Flick
Director General Dr. Alfred Pott
Director General, Mining Assessor (retired) Heinrich Wisselmann
Consul H. G. Kroeger
Mr. Herman Westerop
Director Max Langenohl
Dr. Franz Hayler
Herr Alfried von Bohlen und Halbach

State Secretary Koerner states that the Verwaltungsrat is constituted in conformity with article 7 of the Articles of Incorporation, and asks them to define their attitude with regard to the draft of the Rules of Procedure, which have again been altered by the elimination of article 2 of the draft previously submitted.

The Rules of Procedure are unanimously agreed upon in the proposed form.

State Secretary Koerner further states that there are no objections against the fixing of a lump sum as compensation to members of the Aufsichtsrat to the amount of 50 reichsmarks per day, plus first class travelling expenses. An expense reim-

* Defendant in the Krupp case, Volume IX, this series.

bursement to this amount in accordance with article 2 is unanimously agreed upon.

State Secretary Koerner then takes his leave as Chairman of the Verwaltungsrat, conveying his special thanks to the management for their good and trusting cooperation and wishing the company the best of luck for the future. He expresses his hope of keeping in close contact with their work also in times to come.

The chairman is then taken over by Director General and State Councillor Pleiger, who expresses his thanks for his appointment, and proceeds to give an account of the activities of the firm.

The mainstay of the firm is the manganese ore mines in Nikopol, the iron ore mines in Krivoi Rog and the coal and ore mining in the Donets Basin.

The 110,000 tons of manganese ore *mined in 1942* already exceed the amount produced in Russian times. The haulage in 1943 should reach a monthly average of 18,000 tons, thus being raised to roughly 220,000 tons per year, equivalent to twice the present amount and sufficient to satisfy the entire European requirements.

In Krivoi Rog, the rebuilding of which had been postponed for the sake of Nikopol, iron ore production is now being resumed.

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TRANSLATION OF DOCUMENT EC–38
PROSECUTION EXHIBIT 1059

EXTRACTS FROM A SELECTION OF MATERIAL APPROVED BY MAJOR GENERAL SCHUBERT, CHIEF OF THE ECONOMIC STAFF EAST, FOR A HISTORY OF THE ECONOMIC STAFF EAST

Copy

Staff I/z.b.V. Berlin, 21 February 1944

*Selection approved by the Chief Economic Staff East on 23 February 1944 for the Collection of Material for the History of the Economic Staff East**

The Economic Staff East

A. *Introduction*: The Preparations for the Leadership of Economy in a War against the USSR

1. Memorandum by General Thomas
2. Green Folder
3. Red Folder
4. Yellow Folder
5. Brown Folder

B. *Main Part*: The History of the Economic Staff East

Part I—The Organization of the Economic Staff East and Its Tasks

1. The Basic Organization: Operational Map [Streifenkarte]
2. The Development of the Economic Organization and Its Adjustments to Changing Tasks

Thomas Order of 11 August 1941

Armed Forces Units

The Economic Staffs of Individual Armies [Der IV Wi und A Wi Fue]

The Army Economic Staff [Der He Wi Fue]

Economic Commands and the Economic Reserve Commands [Wi Kdo und WEK]

Monopoly Companies

3. The Tasks of the Economic Staff East and its Development in the Different Phases of the War (Formation and Shifting of Main Efforts)

Immediate Needs of the Troops

* Lieutenant General Georg Thomas, Chief of the Military Economics and Armament Office of the High Command of the Armed Forces, collected many materials for a history of the war which were roughly compiled in a document entitled "Basic Facts for a History of the German War and Armaments Economy." See Document 2353–PS, Prosecution Exhibits 360 and 941. Apparently this compilation was intended for later use in Thomas' collections of materials.

Program of the Chief of Supply and Administration
General War Economy
4. The Relations of the Economic Organization—
a. To the Military Headquarters in the Zone of Operation
b. To the Civil Administration in the Reich Commissariats
c. To the Former Local Organization of the Soviets

Part II

* * * * * * *

Concerns B–I–1 ["The Basic Organization. Operational Map"].

The entire economic management in the Occupied Eastern Territories rests with the Reich Marshal as Plenipotentiary for the Four Year Plan. As his instrument, the Reich Marshal uses the Economic Executive Staff East [Wirtschaftsfuehrungsstab Ost] which comprises the representatives of the main administrative departments. The execution of decrees takes place through the Economic Staff East, with Major General Schubert at its head assisted by Ministerial Dirigent Dr. Schlotterer for the industrial sector, and Ministerial Director Riecke for agriculture.

The aim of the economic leadership[Wirtschaftsfuehrung] in the Occupied Eastern Territories must be the maximum production of goods which are important to the war; namely, ores, crude oil, and foodstuffs. All other considerations must give way to this.

More detailed statements on the questions of food and raw materials and the position of the war production plan for the beginning of the Eastern Campaign were made in the session of the General Council of the Four Year Plan on 24 June 1941[1] under the Chairmanship of State Secretary Koerner.

(See Transcript of meeting, in the file "Meetings").

* * * * * * *

Concerns B–I–1 ["The Basic Organization. Operational Map"].

According to a file note of 3 May 1941 for the chief of office, the Economic Organization East will consist of—

1 Economic staff	----------	about 428 men
5 Economic Inspectorates[2]	about 350 men	about 1750 men

[1] Extracts from the minutes of this meeting are reproduced in Volume XII, section VI H, as a part of Document NI–7474, Prosecution Exhibit 582.

[2] The operational map which is part of this exhibit (not reproduced herein) shows only 4 Economic Inspectorates: Inspectorate "Holstein" (North), "Saxony" (Center), "Baden" (South), and "Westphalia" (Caucasus).

23 Economic commands	about 110 men	about 2530 men
12 Economic subsidiary offices	about 20 men	about 240 men
50 Economic Section/Area Headquarters [IV Wi/Fk]	about 18 men	about 900 men
7 Economic Section Army Headquarters [IV Wi/AOK]	about 30 men	about 210 men
10 Salvage platoons for machines	about 26 men	about 260 men
35 Reconnaissance platoons for raw materials	about 15 men	about 525 men
		about 6845 men

* * * * * * *

Extracts from the War Diary of the Economic Staff East
Volume 1

To I–2 (Monopoly Companies).

* * * * * * *

8 August

In the fundamental decree of 27 July 1941[1] (Green Folder, par. II, p. 16), the Reich Marshal expresses agreement with the formation of the following monopoly companies according to the company contracts submitted and their introduction in the field of activity through the holder of the executive power.

a. The Mining and Steel Company East [Ostland Berg- und Huettenwerksgesellschaft m.b.H. (BHO)][2] with the task of operating the Russian coal and iron industry as well as the iron ore mines in the interest of the German war economy.

b. The Textile Fibre Company East [Ostland Spinnstoff- und Fasergesellschaft m.b.H.] with the task of operating the Russian textile economy in the interest of the German war economy. The monopoly companies have to report monthly on their activities to the Economic Executive Staff East.

* * * * * * *

Concerns B–I–2 [The Development of the Economic Organization and Its Adjustments to Changing Tasks]

From a conference of the Chief of Office with State Secretary Koerner on 31 July 1941, in which also the Economic Inspectors

[1] This decree was reproduced in the "Green Folder" and it is reproduced in part earlier in this section as a part of Document NI–3777, Prosecution Exhibit 1976.

[2] The familiar designation "BHO" was taken from the term "Berghuette Ost," another abbreviation for the full title of this company.

East [Wi Inspekteure Ost] participated, the following points are noteworthy:

1. The operation of the Economic Organization East [Wi Org. Ost] would have functioned better if one had started earlier with the preparations. The order of Field Marshal Keitel, pledging strict secrecy, made it impossible to start with the economic preparations equally soon as did the military agencies.

2. In order as to make the Economic Organization East independent of the support through organizational control agencies [Aufstellungs-inspektionen], replacement divisions belonging to the economic organization are to be set up, which form a human and material reservoir.

3. The forces of the two inspectorates Westphalia and Hesse, which have not yet been mobilized, may no longer remain inactive. Especially the agricultural forces must immediately be brought to the foremost economic inspectorates.

4. It is useless to start factories in the East, only to employ the people and process existing raw materials. Centers of gravity are raw material producing industry and factories important for the conduct of the war. For the same reason efforts of the Reich Commissioners which aim at a "pep-up of the economy" are to be rejected.

5. Ruthless exploitation of the raw materials of the occupied territories. Hereby purely economic, no political considerations.

6. The private industry is to be restored immediately in the territories newly acquired by Russia since 1939. Nothing to be changed, for the time being, in the old Russian territories.

7. To put Jews into barracks and assign them in the form of closed columns of workers.

* * * * * * *

Concerns B–I–2 ["The Development of the Economic Organization and its Adjustments to Changing Tasks"]

On 18 December 1941 the Economic Executive Staff East held a meeting in Berlin with State Secretary Koerner presiding. In addition to Major General Schubert of the Economic Staff East, also the Chiefs of the three Main Groups [Chefgruppen] and of the special group for labor participated in the meeting. The results of the meeting are to be noted.

1. Transfer of the executive group [Fuehrungsgruppe] of the Economic Staff East to Berlin. (Compare note mentioned before.)

2. The Main Group M of the Economic Executive Staff East, and of the Economic Inspectorates as well as the groups M of the Economic Commands [Wi Kdos] will be decreased in number as it has been ascertained that in the old Russian territories al-

most the entire armament industry has been destroyed and there can be no question of a reconstruction in the near future.

* * * * * * *

Concerns B–I–3 (Iwan-Program) 1943.—["The Tasks of the Economic Staff East and Its Development in the Different Phases of the War (Formation and Shifting of Main Efforts)."]

Enclosures

Staff I:

8 September.—State Councillor Pleiger has decided that also in Krivoi-Rog the production for the Iwan Program is to be set going.

Armaments.—10 September.—It is reported that from the Economic Inspectorate South that, upon the order of Reich Minister Speer, State Councillor Pleiger has discontinued completely the Iwan Program.

17 September.—State Councillor Pleiger orders, upon the instruction of Reich Minister Speer, that the Iwan Production in Saporoshje is going to come to an end.

Extracts from the War Diary of the Economic Staff East

Volume VIII (III/1943)

Concerns I–3 ["The Tasks of the Economic Staff East and Its Development in the Different Phases of the War (Formation and Shifting of Main Efforts)"].

* * * * * * *

8. 9. By his command dated 7 September the Reich Marshal orders, for the territory east of the line established by the Supreme Military Command through the whole zone of operations, the evacuation of all agricultural products and equipment, machines from agricultural and food production plants, the destruction of plants engaged in the processing and manufacture of food products, as well as the evacuation of the population working on the land and in these food plants. The Chief of the Economic Staff East charged with the control of these orders.

12.9. In addition to the decree of the Reich Marshal of 7 September 1943, the Chief of the Economic Staff East issues provisions to execute the break-up [Auflockerung] together with measures for evacuation and destruction (appendix II).

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31.8. Armament Office communicates that in accordance with an instruction from the Fuehrer all work shops that can be dispensed with east of the Dnepr are to be dismantled and transferred to the Reich.

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2. TESTIMONY OF DEFENDANT KOERNER

EXTRACTS FROM THE TESTIMONY OF DEFENDANT KOERNER[1]

DIRECT EXAMINATION

* * * * * * *

DR. KOCH (counsel for defendant Koerner): I now pass to Russia. In the discussion of the question of aggressive war, we already briefly discussed that at Goering's instigation, General Thomas, that is, the armed forces, set up a special organization for the economic administration of the East. Within this existing organization an Economic Operational [Executive] Staff East was set up and you, Herr Koerner, were a member of it. Now the prosecution claims, Herr Koerner, that the economic organization for the East was dependent on Goering and that it was separate from the remaining military organization. The purpose allegedly was that the occupied Russian territory should be systematically despoiled. Please comment, in a few words, on the reason which caused Goering to set up a special organization at all.

A. As for spoliation, in the sense of the indictment, that was by no means the purpose of the organization. Goering wanted an organization for quite different reasons which, in contrast to the form usual in other occupied territories, should be independent of the influence of local military and civilian authorities.

Q. Why was the organization to be independent of the influences you mention?

A. In the western territories we had found there was considerable damage in the economic sphere generally, when the quartermaster staffs of the troops, who had no or very few economic advisers, met the requirements of the troops from the local resources. I may just remind you here of the extensive black market purchases by all sorts of military agencies in France, which caused Goering at that time to give the authorization to Veltjens.[2]

Q. And what relationship was to be introduced in the East between the military and the economic organizations? What was the idea?

A. The economy was supposed to help the troops and the troops to help the economy. Both had to work together, so that in the occupied territories, independent of individual local wishes, order might be created and reconstruction work done. The troops had to be supplied without the economy of the country suffering

[1] Further extracts from the testimony of defendant Koerner are reproduced in sections VI B and VI H, volume XII; sections C 2 and D 2 above; and section XI C 1 below.

[2] For further information on Veltjen's activities, see section D 1 above.

as a result. In the East, no soldiers were to manage the economy, but economic experts, in military uniform, were to see to it that the work be done in a sensible, economic way, both for the benefit of the troops and of the occupied territory, as well as in the interests of the Reich. All that had nothing whatsoever to do with spoliation.

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Q. Herr Koerner, I would now submit to you an excerpt from the so-called "Brown Folder," which I think you know. It is Document NI-10119, Prosecution Exhibit 1055* in prosecution document book 122, and I am now quoting from page 30 of the English at the top of the page: "The Reich Marshal formed the Economic [Executive] Staff East, directed by State Secretary Koerner as his deputy, in which all the departments concerned are centralized and are given the possibility to state their points of view and to influence all the decisions concerning the eastern territories."

[At this point there ensued a discussion of the translation of "Wirtschaftsfuehrungsstab Ost." This term was usually, though not universally, translated as "Economic Executive Staff East," but it erroneously appeared here in the translation merely as "Economic Staff East." Since Dr. Koch finally suggested that this term be translated as "Economic Operational Staff East," the interpreter followed this proposal in the ensuing examination, even though there was disagreement between the parties as to the proper translation. Accordingly, the translation in the remaining extracts from Koerner's examination has been conformed to "Economic Operational Staff East" even though the translation elsewhere herein has usually been conformed to the translation adopted by the Tribunal, i.e., "Economic Executive Staff East."]

* * * * * * *

Q. Herr Koerner, I would now like to ask you about the superior staff, in German the "Wirtschaftsfuehrungsstab Ost," and I would like to ask you whether the provision I just read to you means that the Economic Operational Staff East had to make decisions and give instructions?

A. No. I must definitely answer that in the negative. On page 6 of the German text you must read the paragraph which precedes the part just quoted. There it says and I quote: "Apart from the jurisdiction of the Plenipotentiary for the Four Year Plan, and of the Reich Minister for the Occupied Eastern Territories, other Supreme Reich Agencies do not have jurisdiction over the Reich Commissioners in economic matters." That makes it absolutely clear that the departments in the Economic Operational Staff East could not make any decisions, but could only ask for instructions from Goering.

* Reproduced in part earlier in this section.

Q. I would like to interpolate a question here, Herr Koerner. You mean that since the departments, according to the provision you have read, had no right to give instructions, they did not have the right in the Economic Operational Staff either—is that correct?

A. Yes, that is quite correct.

Q. The paragraph which is decisive here is not contained in the English book. I regret these mistakes which we find again and again. I presume that it is sufficient for the Tribunal that defendant Koerner just read this paragraph into the record. The whole point is whether the policy was laid down by this staff, as counsel for the prosecution said, or whether this was not the case. The basis for that is contained in the quotation by the witness, Koerner.

Herr Koerner, in the Economic Operational Staff East, you were Goering's deputy, weren't you? In this capacity could you not make decisions on your own?

A. No. I had as little right to give orders for Goering or deputize for him in the Economic Operational Staff East as I did in the General Council [of the Four Year Plan]. For the rest, Goering reserved the right to make the decisions himself in all fundamental questions from the very beginning. That is in a decree of 30 July 1941, in which Goering expressed his opinion on the following question.

Q. Just a moment, Herr Koerner. May it please the Tribunal, the decree of 30 July 1941, is contained in my book III D, Koerner Document 450, Koerner Defense Exhibit 176,* and in it the Tribunal will find the excerpts which the witness, Koerner, is about to quote. These are excerpts from part 2 of the so-called Green Folder.

Mr. Koerner, if you have it, would you perhaps read it?

A. I quote: "Until further notice, I reserve my personal decisions: (*a*) In questions of fundamental importance for the German war economy. (*b*) In all questions touching on the fundamental shaping of the economic structure in the newly Occupied Eastern Territories. (*c*) In all important economic questions concerning the occupied territories as a whole. (*d*) In important individual questions when specially ordered."

Q. That was the end of the quotation. Mr. Koerner, if, according to this decree, Goering reserved the right to make decisions in all fundamental questions and if the Economic Operational Staff East had no right to make decisions either, as you said

* This decree is reproduced earlier in this section as a part of the various extracts of the famous "Green Folder." See the document headed "Partial Translation of Document EC-347, Prosecution Exhibit 1038, and Partial Translation of Document Koerner 450, Koerner Defense Exhibit 176."

just now, what was your function in the Economic Operational Staff East?

A. I had to see to it that the various special departments, the representatives of the Eastern Ministry, and the representatives of the armed forces agencies concerned sat down together at one table, from time to time, and similarly, as in the General Council, in broad outlines informed themselves about what was of interest to them all in their work. In addition, exactly as in the General Council, it was my job, on the basis of these conferences, to inform Goering if necessary so that he could make the necessary decisions on his part.

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Q. Mr. Koerner, I will hand you some extracts from Document EC–347, Prosecution Exhibit 1058, English Book 122, page 51; page 183 in the German book 122–B. These are extracts from part 2 of the so-called Green Folder.

I would like to draw the Tribunal's attention to the fact that the prosecution only submitted this document subsequently. As far as I can see, the excerpts have no page numbers in the English, and they are all under page number 51 in the English book.

Herr Koerner, this document contains a series of decrees by the Economic Operational Staff East, which you yourself signed. Would you please comment on that?

A. The decrees of 31 July 1941; 17 October 1941, 8 November 1941, and 12 December 1941 all refer to the transfer of territories from military to civil administration. It was a matter of course that certain technical decrees of an organizational character should be issued so that the economic administration in these areas by the civil agencies could be carried on without friction. The basic factual decisions, that is, the transfer of the territories themselves, was a matter with which I was not connected at all because the Fuehrer personally had ordered that.

Q. And how is it that you signed these decrees?

A. The orders I signed, as far as their factual contents went, were the outcome of agreements reached between Goering, Thomas, and Rosenberg. But since these were matters of a purely administrative aspect, Goering had told me to spare him the signing of such decrees and sign them myself on his behalf. Moreover, decrees of this kind occasionally were also signed by subordinates, if I happened to be prevented from signing such decrees myself.

DR. KOCH: I would like to draw the Tribunal's attention to my book III–D, Document Koerner 450, Koerner Defense Exhibit 176. That reproduces such an organizational decree which is simply signed by one of the experts for the Four Year Plan.

Herr Koerner, may I ask you, however, to comment on the remaining decrees you signed in Document EC–347? It is the same exhibit 1058 which we were discussing, page 51 of the English in book 122.

Herr Koerner, this contains the decree of 19 May 1942, concerning the planning and carrying out of economic transports in traffic with the occupied territories. How about that?

A. This decree in the first paragraph of figure A contains the following statement, I quote: "The Four Year Plan, Economic Operational Staff East, is the supreme agency to decide the question of planning and carrying out economic transports with the eastern territory."

So it does not say that the Economic Operational Staff East is the decisive agency, but the Four Year Plan. The addition of "Economic Operational Staff East" was just meant to convey that the departments were given an opportunity to express their wishes in the case of decisions of this kind; decisions of a fundamental character, however, naturally always remained reserved to Goering.

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DR. BERGMANN [associate counsel for defendant Koerner]: Herr Koerner, you have testified that the Economic Operational Staff East was neither an executive organ nor reached independent decisions of its own. You have further testified that instructions and orders from Goering for the operational area were given by him personally, via the Chief of the OKW, Military Economic and Armament Office, who was General Thomas.

Witness, I now put to you Document EC–38, Prosecution Exhibit 1059.* It is in document book 122 B, page 52. These are excerpts from the War Diary of the Economic Staff East, excerpts forming the basis for the collection of data for a history of the Economic Staff East. Consequently, all documents referred to in this War Diary have been entitled, in both the German and the English document books, as a collection of material pertaining to the history of Economic Staff East.

Let me make the following remark in this connection. I quote from a discussion of the Office Chiefs with Koerner, of 31 September 1941, at which meeting the Economic Inspectors also participated. The following is to be noted. I quote points 4, 5, and 7. Point 4 reads as follows (that is page 55): "It is useless to start factories in the East only to employ the people and process existing raw materials. Centers of gravity are raw-material-producing industries and factors important for the con-

* Reproduced in part earlier in this section.

duct of the war. For the same reason, efforts of the Reich Commissioner, which aim at an effort of the enemy, are to be rejected."

Point 5 reads: "Ruthless exploitation of the raw materials of the occupied territories are hereby purely economic; there are no political considerations."

Finally point 7 reads: "To put Jews into barracks and assign them in the form of closed columns of workers."

Witness, please testify regarding this. First of all, comment regarding the question whether you gave instructions; second, regarding the question of whether the points I have just cited have been correctly reproduced here.

A. On the date named a meeting of the Economic Operational Staff East took place. Following this meeting the Economic Inspectors were presented to me by the Chief of the Economic Operational Staff East.[1] So far as I recall this was the only time that I came in touch within the Berlin office with the Economic Inspectors of the Economic Staff [East]. There are only three gentlemen involved because there were only three Economic Inspectorates—North, Central, and South. This was more of a social introduction followed by a brief conversation.

Q. Witness, when you were introduced to these gentlemen on this visit, did you give these gentlemen any directives?

A. No, certainly not. As I always did, I limited myself to telling them what I knew to be Goering's policy. That is to say, I did not give any orders or lay down any policies on my own initiative.

Q. Witness, I believe that the interpretation didn't make entirely clear your answer to the first question, for you spoke of the fact that this was the only time that you had met the Inspectors of the Economic Staff. What Economic Staff are you talking about?

A. The Economic Staff East.

Q. That is not the Economic Operational Staff East?

A. That is correct.

Q. Now, to the individual points; what do you have to say about No. 4 which I read before?

A. This discussion took place on 31 July 1941. Four days previously; namely, on 27 July, Goering had signed a decree laying down general policies for the economic direction in the East.

Q. Witness, may I interrupt you briefly, to tell the Tribunal that the decree of which you are speaking is in document book 124, on page 1, Document NI–3777, Prosecution Exhibit 1976.[2]

[1] It is assumed that Koerner meant to say "Chief of the Economic Staff East" (Maj. Gen. Schubert).

[2] Reproduced earlier in this section.

Continue, please, Witness. You just said that Goering had, four days previous to that, issued this decree.

A. The first sentence of this decree reads: "The aim of the economic leadership in the Occupied Eastern Territories is not an early restoration of the entire economy. The vastness of the Russian territory and the scarcity of suitable skilled labor rather make it imperative to create centers of gravity within those economic branches which are decisive for the German war economy." Further below it reads: "The exploitation of all other branches of economy can be considered, for the time being only, if the main tasks do not suffer therefrom." That was the Reich Marshal's policy; and I certainly did not tell the Economic Inspectors more than that.

Q. Now, Witness, how about the next point, point 5?

A. The same is true here. Ruthless exploitation of the raw materials of the occupied territories, as mentioned here in point 5, I certainly did not discuss. The word "exploitation" [Ausbeutung] I certainly did not use in the sense of "plundering" [Auspluenderung]. I know that I never spoke of that.

Q. Witness, now, you also made the remark that they were purely economic and not political considerations, in that same point 5. What do you mean by that?

A. If I made that remark at all, I could only have meant it to mean what is contained in this above-mentioned decree of 27 July. No. 6 here says—

DR. BERGMANN: One moment, please. You just quoted point 6 of the decree of 27 July. The interpreters did not find it. Would you please repeat that quotation, please?

JUDGE MAGUIRE, Presiding: Well, now,—

WITNESS KOERNER: I shall repeat it: "Basically, the principle of business expediency must be determinative in the selection of methods to be employed in the administration of economic branches which are essential for the war, that is, the question how a maximum performance [Leistung] can be achieved."

Q. Now, what do you mean, Witness, by the word performance?

A. That means production. Therefore, it is explicitly said in the decree that the highest economic production could be expected only on the well tested basis of private economy.

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Q. One last question regarding economic policy in the East, Witness. I shall put to you Prosecution Document NI–440 in document book 122 page 76.

JUDGE POWERS: Exhibit number?

DR. BERGMANN: Exhibit No. 1062.[1] This document is a memorandum sent by you to numerous German agencies regarding a session of 8 November 1941 on the basic problems of the economic policy in the occupied East.

Your Honors, when putting in this document or when this document was put in, Dr. Koch objected on the grounds that the German text was a retranslation from the English translation. It will be much easier both for German and English texts with particular reference to section "A" of this document, if we will turn in this matter to another document, namely, Document EC–3, Prosecution Exhibit 1061,[2] which contains the real text. The difference between the two can be detected both in the English and German texts.

Witness, please say what you have to about the meeting. Did you take part in this meeting of 8 November 1941?

JUDGE MAGUIRE, Presiding: 8 or 18?

DR. BERGMANN: 8, Your Honor.

JUDGE MAGUIRE, Presiding: The book says November 18.

DR. BERGMANN: 8 November 1941. The memorandum was sent out on 20 November regarding a meeting of 8 November. Document EC–3 that I mentioned is on page 8. This is a report from General Nagel to General Thomas and it contains the same wording as this memorandum that is the correct German text and the correct English translation.

Q. Witness, did you take part in this meeting of 8 November 1941?

A. This was one of the typical meetings that took place at Goering's and which he held. He had a large number of people come from various offices and made a rather long speech to them. What he said was taken down in minutes and later on, on orders from Goering I sent these minutes to the people involved.

Q. Witness, let me interpolate a question. Is this current business of which you spoke yesterday?

A. Of course it was current business.

Q. Thank you. Did you have anything to do yourself in the drawing up of those policies that Goering laid down?

A. No.

Q. Witness, do you know that in this meeting Goering spoke of colonial points of view and colonial methods which were to be applied in the East?

A. I cannot recall that precisely today, but it is quite possible that Goering used such words.

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[1] Reproduced in part above in section E 1.

[2] Ibid.

Q. Then, Witness, what did you understand the terms colonial methods and colonial points of view to mean?

A. Let's take up the negative. I did not understand this to mean that these areas were to be ruthlessly exploited and the population treated in the nature of slaves as during the first period of European colonial expansion. Rather I understood these terms to mean something of a purely economic policy nature, namely, that these areas with their rich sources of raw material should supplement highly industrialized Europe in the same way that England's colonies supplemented industrialized England. The great destruction that the Russians committed during their withdrawing was already known to us at that time. A point was to be established whether Russia's entire industry was to be rebuilt by us or whether we should transfer our interests to certain centers of gravity. We were forced to do so anyway by the extent of Russian destruction. Now, Goering knew perfectly well that wherever the German came, wherever the German comes to, he thinks immediately of reconstruction. That lies in his very nature but, so that we should not waste our strength, Goering pointed out the necessity of choosing certain centers of gravity and he pointed this out very emphatically. That is the only way his reference to colonial points of view can be understood. I, at least, never understood him to mean anything but this and always construed it to mean what I have just said.

Q. Witness, you say that you construed it to mean what you have just stated. Do you know whether this view of yours was put into practice regarding the colonial point of view?

A. Yes, it certainly was. At any rate that was so for all the economic offices. However, everything that could be reconstructed was, in practice, reconstructed with German aid.

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Q. Now, Witness, on the basis of your position as chairman of the Administrative Council [Verwaltungsrat] of the so-called "BHO," for what reason did you become chairman of the Administrative Council of the "BHO"?

A. At that time, in counterdistinction to other German industrial enterprises, the Reichswerke [Hermann Goering] had, in one of its subsidiary firms, namely the "BHO," some engineers who were not being used to their full potential. The reason for this was that the expansion intended for the Reichswerke during peacetime could not be continued during war. For that reason it was felt that the Reichswerke would be in a position to direct the reconstruction work to a large extent, independently. At that time I was chairman of the Aufsichtsrat of the Reichs-

953402—52——58

werke. Consequently, it was understandable that Goering commissioned me to take over the chairmanship of the "BHO," particularly since Pleiger was intended for the post of main business manager by Goering. However, the real business part was done by Ministerial Director Flottmann, an outright administrator and jurist.

Q. Witness, you just said that Pleiger was intended for the post of main business manager. Was Pleiger to be appointed to this position solely because he was a man of the Reichswerke, and did you have anything in particular to do with that?

A. The reason why Pleiger was appointed main business manager was less because of his position in the Reichswerke than it was due to the fact that in the East, to a great extent, reconstruction work had to be carried out in the industry there and that a particularly energetic person was needed to conduct this work. Pleiger had already shown that he could take care of large-scale reconstruction work, often under very difficult circumstances. He was able to take care of his job with energy and vision and, in addition, he had the necessary technical experiences. The engineering staff that I just mentioned was available to him for this.

Q. In your capacity as chairman of the Administrative Council of the "BHO," did you have anything to do with the management of the business of the company, and could you exercise such influence?

A. That was not practical at all because the necessary decisions, aside from the over-all planning carried out by Pleiger, were made on the spot. It is clear that in the fields in which the "BHO" was active, everything had to be done that was possible to get the plant running to some extent, despite the enormous extent of the destruction.

Q. Witness, when and why did you leave the Administrative Council of the "BHO"?

A. I left at the end of March 1943, on the basis of a decision of the Fuehrer that members of the Reichstag could no longer be members of Aufsichtsraete or similar bodies.

DR. BERGMANN: Your Honors, this concludes my examination of my client on the subject of spoliation.

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F. CONTEMPORANEOUS GERMAN REPORT ON "FINANCIAL CONTRIBUTIONS" OF OCCUPIED AREAS TO 31 MARCH 1944

TRANSLATION OF DOCUMENT EC–86
PROSECUTION EXHIBIT 2491

REPORT OF WORKING STAFF FOR FOREIGN COUNTRIES, 10 OCTOBER 1944, INCLUDING BREAKDOWN OF OCCUPATION COSTS, RATES OF EXCHANGE AND PURCHASING POWER OF REICHSMARK (NOTING BLACK MARKET INFLUENCES), IN CITING REQUISITIONS OF FUNDS IN OCCUPIED COUNTRIES

Working Staff Foreign Countries
No. 02051/44 g. Kdos. II. Ang.

Wannsee, 10 October 1944
[Stamp] Top Secret
3 copies—2d copy

Second Compilation from the Work of the Research Office for Military Economy [Wehrwirtschaft]—

The Financial Contributions [finanziellen Leistungen] of the Occupied Territories to 31 March 1944 (Research Office for Military Economy 182/44 g. Rs.)

The Individual Areas.

1. *The Protectorate.*—The exchange of goods between Germany and the Protectorate is no longer regarded as foreign trade. For this reason, the extent of the real surplus produced by the Protectorate cannot be evaluated. We can only determine the amount of the contribution [Matrikularbeitrag] paid to the Reich by the Protectorate.

Calendar year	Korun (millions)	RM-purchasing power rate of exchange 100 Korun = ____RM	Purchasing power Reichsmarks (millions)
1940	3,000	8.73	262
1941	5,000	8.23	412
1942	8,000	8.07	646
1943	10,000	7.95	795
3 months, 1944	2,500	7.95	199
Total	28,500		2,314

Of course the Protectorate has furnished much more than this sum of 2.3 billion RM during the years it has belonged to the Reich. We need only think of the weapons of all kinds that

were taken over by the armed forces, the manpower represented by the armament workers assigned to the Reich, the continual goods deliveries, etc. Of these items, it is known only that the value of the arms captured in 1939 amounted to 648 million korun, or 77 million RM in purchasing power as of that date. For the reason referred to above, the proportions of the other items cannot be assessed.

The total figure of approximately 2400 million RM arrived at here, is, therefore, necessarily too low.

2. *The Government General.*—The Government General, also, pays a fixed sum, the so-called defense contribution [Wehrbeitrag], and has been doing so since the fiscal year 1940/41.

Fiscal year	Zlotys (millions)	Reichsmarks (millions)
1941/42	500	250
1942/43	700	350
1943/44	1300	650
Total	2500	1250

In regard to the *exchange* of these sums in zloty, in this case at the official rate of 0.50 RM for 1 Zl, it should be noted that the official prices (retail prices) have scarcely changed since the beginning of 1941. Price increases have occurred only in the cases of certain goods (textiles). The rates of purchasing power resulting from individual prices have approximated, as a rule, the official rate of exchange. In the case of food-stuffs, our chief import item from the Government General, the purchasing power of Zl is rather higher than 50 Rpf., whereas for other goods it is considerably less. *Black market prices,* on the other hand have steadily risen and are many times higher than the official prices. But there is no uniform inflationary factor [Ueberteuerungsfaktor] such as has been established in the West. The prices range from two to sixty times the normal prices and completely disguise former relationships between goods. For this reason and because the sum of monies expended upon the black market is unknown, the exchange can be calculated only in terms of the official, and not the black market, rates. But since army supplies, in particular, were apt to be considerably more expensive than in the Reich, we have reckoned, beginning with 1942/43, a tenth of the total demand at a rate one half lower (1 Zl = 0.25 RM), arriving at the following result:

Fiscal year	Official market		Market for special armed forces purchases		Total Reichsmarks (millions)
	Zlotys (millions)	Reichsmarks (millions)	Zlotys (millions)	Reichsmarks (millions)	
1941/42	500	250			250
1942/43	630	315	70	17.5	332.5
1943/44	1170	585	130	32.5	617.5
					1,200.0

In 1940/41 the Government General was not held to the payment of a set sum, but it had to permit the transfer of about 580 million Zl notes of the former Polski Bank from the Reich and other countries to the account, and for the credit, of the Reich.

The established *clearing* debt* of the Reich to the Government General increased by 28 million RM between the end of August 1940 and the end of March 1943. But this low sum is only what remained of the actual clearing debt after a substantial investment of Government General credits in Reich Treasury bonds. As of 31 March of this year, 3396 million RM were so invested. The actual clearing debt approximates, then, *3424 million RM.*

Not all that the Government General furnished was through clearing agreements. For instance, the wages sent out by the Polish laborers employed in the Reich, and the prisoners of war, were carried by ordinary mail and did not go through clearing. Up to the end of March 194 [one digit missing, probably 1944] a total of 100.6 million RM was sent, 70.8 of it by civilian workers.

The determined performance of the Government General is as follows:

Reichsmarks
(millions)

1200—Defense contribution
290—Return of Zl notes
3424—Clearing debt and Reich Treasury investment
71—Sent by laborers
30—Sent by PW's

5,015

3. *France*—With France we come to the group of countries that pay occupation costs in the real sense. From the time France was first occupied until the end of March 1944, she placed the

* The word "clearing" as it appears in this document is not a translation, but was used in the original document.

following sums at the disposal of the Armed Forces, to the account of occupation costs:

Calendar year	Reichsmarks (millions)	Francs (millions)
1940	1,759	35,180
1941	5,087	101,740
1942	7,872	157,440
1943	9,798	195,960
1st Quarter of 1944*	2,275	45,500
Total	26,791	535,820

* Figured per fixed daily contributions.

If one converts the above sums in terms of purchasing power, one arrives at considerably higher values for the first 3 years. The purchasing power and the rate of exchange did not become equalized until the year 1943. But not all goods financed by occupation costs are bought at the official prices; some are paid for at black market prices. One can assume that the black market played a very small role in 1940, since there were still ample stores of supplies available. Only beginning with 1941 is the black market taken into account here, when the inflation factor is placed at 4. In 1942 this figure became 6 (according to Veltjens), and it is estimated at 8 for 1943 and 1944.

	100 Frs. equals ____ *RM*	
	official	on the black market
1940	9.9	--
1941	7.7	1.9
1942	6.4	1.1
1943	5.0	0.6
1944 (beginning of)	5.0	0.6

Exact documentation concerning the extent of black market purchases is available only for the Veltjens Action, which in France required 1,555 million RM, or 31.1 billion francs at the official rate of exchange. The greater part of the purchases were made in 1942, amounting to about 1155 million RM. It is estimated that only about 400 million RM were expended in France in 1943. If one converts the 31.1 billion francs at the then rate of exchange on the black market, one arrives at the low sum of 318 million RM.

It can be assumed that a part of Armed Forces expenditures still goes into the black market—a particularly large proportion in the case of personal expenses, which, during the last years in France, constituted between 18 and 25 percent of total expendi-

tures. Certainly it is not too high an estimate if it is assumed that one half of personal expenditures, and so perhaps 10 percent of all expenditures, went to the black market. It is calculated that 5 percent was expended in the black market in 1941, since the latter was still of slight importance at that time. Certain Armed Forces expenditures for matériel (such as supplies for Wehrmacht installations [Wehrmachtinvestitionen]) may have been made at higher than the official prices, if not at the really high black market prices. In this connection it is assumed here that 10 percent of matériel expenditures were made at twice the official prices.

Until a short time ago, the French black market was fed from still another source—the importation of Reich Credit Notes [Reichskreditkassenscheinen] from the other occupied regions. Although the issuance of Reich Credit Notes in France had practically ceased in October 1940, sums in Reich Credit Notes were currently presented with the accounting of occupation costs (1942: 460 million RM; 1943: 1,180 million RM; 1st quarter 1944: 25 million RM.). Even though a portion of this was issued in France to begin with, it can be assumed that the greatest proportion—we place it at 75 percent for 1942 and 1943—comes from the other occupied regions; in 1942: 345 million RM., in 1943: 885 million RM. While it is not likely that the entire sums went into the black market, it is thought that 75 percent of them did.

We obtain, therefore, for—

1942	260 million RM
1943	660 million RM
1944	19 million RM

Altogether, the following amounts were expended in the black market (in billions of Francs):

	1941	1942	1943	1944
Veltjens Action*		23.1	8.0	
Soldier purchases	5.1	15.7	19.6	4.5
Importing of Reich credit notes.		5.2	13.2	0.4
Total	5.1	44.0	40.8	4.9
In addition, Armed Forces purchases at higher than official prices.		12.6	15.7	3.6
Total	5.1	56.6	56.5	8.5

* The reference is to the activities of Colonel Veltjens, Plenipotentiary for Special Tasks in the Four Year Plan. See Document NG-4237, Prosecution Exhibit 2488, reproduced earlier in this section.

Armed Forces expenditures in France were as follows:

Year	Official market		Market for special Armed Forces purchases		Black market		Total
	Francs (billions)	RM (millions)	Francs (billions)	RM (millions)	Francs (billions)	RM (millions)	RM (millions)
1940	35.2	3,480					3,480
1941	96.6	7,440			5.1	100	7,540
1942	100.8	6,450	12.6	400	44.0	480	7,330
1943	139.5	6,980	15.7	395	40.8	240	7,615
1944	37.0	1,850	3.6	90	4.9	30	1,970
Total		26,200		885		850	27,935

The real sum of occupation costs amounted to about 28 billion RM. The "loss" through the black market, that can be figured by converting the sums spent in the black market to their relative value in purchasing power in the official market and then subtracting from these the real value of the black market purchases, is estimated to approximately 6.4 billion RM. In other words, for value of about 900 million RM received on the black market, one could have received a value of 7.3 billion RM in the official market, had the goods concerned been available in the latter.

In spite of the extent of black market purchasing, the real value of the occupation costs is still above the sum that would be received through conversion at the 5 pfennig rate of exchange (26.8 billion RM), since French prices were much lower than German prices at the beginning of the occupation period. The opinion expressed in the recent report of the Military Commander,* namely, that due to black market purchases not even the sum of 26.8 billion RM was realized, must therefore be regarded as too pessimistic.

* "The Contribution of the French Area to the War Economy," Paris, April 1944.

The *German clearing debt* with France, in which is expressed the value of her external contributions (import surpluses, French workers employed in the Reich), has increased greatly during the occupation years.

Conversion of the clearing debt must be effected at lower rates than at the purchasing power rates referred to above. For, since 1941, the French have levied a duty known as the "revenue de péréquation" upon those exports for which higher prices were obtained than could be realized in the domestic market. This shows that export prices were, in part, higher than the French

domestic prices. It is of course difficult to estimate the degree of this difference. The mean between the purchasing power rate based upon the domestic price and the rate of exchange is shown here for 1941 and 1942—

1941—6:3
1942—5:7

From that time when the purchasing power rate approximated the rate of exchange (about 1943), the latter was adopted and it has been retained for the first quarter of 1944. Imports from France have been cheapened to some extent today, it is true, which might suggest conversion at a rate under the [official] rate of exchange, but the sums expended to that end [Verbilligungsbetraege] are still relatively low. Besides, many goods are still imported from France at less than Reich prices.

The clearing debt was as follows:

	Francs (millions)	*Reichmark purchasing power (millions)*
From Nov 1940–August 1941	8,976	565
From Sept 1941–August 1942	28,438	1,621
From Sept 1942–August 1943	54,718	2,736
From Sept 1943–end of March 1944	44,128	2,206
		7,128

The total demonstrable French contribution is in the vicinity, then, of *35 billion RM*. This sum does not include all of the French contributions, for example, captured raw materials valued at about 255 million RM, war booty, or the billeting services.

4. *Belgium.*—From the beginning of the occupation period until 31 March 44, Belgium paid about 5.7 billion RM in occupation costs.

Year	Belgian Francs (millions)	Reichsmark rate of purchasing power 100 Belgian Francs = ____ RM	Reichmark purchasing power (millions)
1940/1941	29,500	8.6	2,537
1942	19,200	8.0	1,536
1943	15,045	7.7	1,197
Jan/Mar 1944	5,481	7.7	422
			5,692

The total given here is probably too high, for in Belgium, too, certain sums regularly reached the black market; at the least,

this occurred in the case of personnel expenditures. Belgium's price policy has been definitely more successful than that of France, however, and the extent and prices of the black market accordingly lower. If one reckons with an inflation factor of 3 for 1940 and 1941, and of 6 for the succeeding period, and assumes that 1/20 of the amount for the first two years and 1/10 for the remaining period went into the black market, the above figures may be broken down as follows:

	Official market		Black market		Total
	Francs (millions)	Reichsmark pur. power (millions)	Francs (millions)	Reichsmark pur. power (millions)	Reichsmark pur. power (millions)
1940 1941	28,025	2,410	1,475	43	2,453
1942	17,280	1,382	1,920	26	1,408
1943	13,540	1,043	1,505	20	1,063
Jan/Mar 1944	4,933	380	548	7	387
Total	[illegible]	5,215		96	5,311

In comparison with the occupation costs, the clearing debt is very high, at least when regarded from the standpoint of the relationship in France. In Belgium it amounts to about ¾ of the occupation costs, whereas it totals only ¼ in France.

It increased as follows:

From 12 Jul 1940—31 Aug 1940 by	21	million RM
From Sep 1940—end of Aug 1941 by	383	million RM
From Sep 1941—end of Aug 1942 by	974	million RM
From Sep 1942—end of Aug 1943 by	1,898	million RM
From Sep 1943—end of Mar 1944 by	1,012	million RM
Total	4,288	million RM

These reichsmark sums, determined with the aid of the official rate of exchange, also must be converted to the rate of purchasing power, and there must be taken into account the sum of the official black market purchases (Veltjens Action), amounting to 267 million RM. Let us say, for the sake of simplicity, that the black market action took place entirely within the 4th year of the war economy, even though it began somewhat earlier (mid-June 42). The increase* of the clearing debt may be broken down as follows:

* Not including Belgium's deliveries.

Year of war economy	Official market		Black market		Total RM pur. power (millions)
	Belgian Francs (millions)	Reichsmark pur. power (millions)	Belgian Francs (millions)	Reichsmark pur. power (millions)	
1939–40	265	24			24
1940–41	4,789	397			397
1941–42	12,171	974			974
1942–43	20,388	1,570	3,338	43	1,613
Sep 1943–Mar 1944	12,650	974			974
Total		3,939		43	3,982

The sum total of Belgium's contribution, then, amounts to about *9,300 million RM.*

5. *The Netherlands.*—The Netherlands is the only country that not only paid for internal occupation costs, for the subsistence of the troops and other occupation needs, but also contributed to the external costs of occupation. The sums for the latter were paid, in part, in gold—some time ago the gold reserves were exhausted—and for the rest in reichsmarks. The reichsmark sums probably originated in foreign trade. To the extent of the latter payments, it was possible to import goods from Holland without payment, a procedure that calls to mind English imports from Canada.

	Internal occupation costs-1 Dutch Florin = 1.32 RM Reichsmarks (millions)	External occupation costs Reichsmarks (millions)	Total occupation costs Reichsmarks (millions)
1940–41	1,360		1,360
1941–42	1,640	950	2,590
1942–43	1,640	600	2,240
1943–44	1,640	600	2,240
Total	6,280	2,150	8,430

If one evaluates the *internal occupation costs* by the obtaining rate of purchasing power, one arrives at the following sums:

	Reichsmark—Actual purchasing power 1 Dutch Florin = __ RM	Internal occupation costs	
		Dutch Florins (millions)	Reichsmarks (millions)
1940–41	1.46	1,030	1,500
1941–42	1.30	1,240	1,610
1942–43	1.26	1,240	1,560
1943–44	1.27	1,240	1,570
Total			6,240

After a considerable initial rise in prices in Holland, the purchasing power as successfully held close to the official rate of exchange. The black market prices, however, are especially high. The inflation factor for 1942 is given as 4, while it is estimated at 8 for 1943 and at 10 for 1944.

Probably one half of the payments made to personnel, which lately constituted approximately 25 percent of total expenditures, found its way into the black market; and some of the payments for material have been made at higher than official prices (Armed Forces purchases of wood, etc.). As in the case with France, we calculate that since 1942–43, 10 percent of expenditures for supplies and equipment were made at twice the official prices.

On the basis of the above suppositions, the following accounting can be made:

	Official market		Armed Forces market for special pur.		Black market		Total
	Dutch Florins (millions)	RM (millions)	Dutch Florins (millions)	RM (millions)	Dutch Florins (millions)	RM (millions)	RM (millions)
1940–41	1,030	1,500					1,500
1941–42	1,178	1,530			62	40	1,570
1942–43	992	1,248	93	59	156	25	1,332
1943–44	992	1,256	93	59	156	20	1,335
		5,534		118		85	5,737

Some of the *external costs of occupation,* too, were connected with the black market. We refer here to the official black market purchases, which were paid for in Holland with reichsmarks and which came to 160 million RM. If we take the black market rate of exchange for 1942 as 32 Rpf, that amounts to the sum of 40 million RM. The reichsmark remittances for 1942 must therefore be established at 480 million RM. instead of 600 million RM. Altogether, we received from Holland the following amounts:

	Internal occupation costs Reichsmarks (millions)	External occupation costs Reichsmarks (millions)	Total Reichsmarks (millions)
1940–41	1,500		1,500
1941–42	1,570	950	2,520
1942–43	1,332	480	1,812
1943–44	1,335	600	1,935
	5,737	2,030	7,767

Since the Netherlands has counted as a domestic currency area [Deviseninland] since 1 April 1941, the balance of Dutch contributions in external trade with the Reich cannot be exactly ascertained. That part of the total contribution surpluses which is not covered by the external costs of occupation accumulates with the Deutsche Reich Bank in the reichsmark account of the Netherlands Central Bank (as of 31 March 44: 5,120 million RM.). The greater part of this, that is 4,958 million RM., was invested in Reich Treasury bonds.

Since the acquisition of gulden through the deposit of reichsmarks in Germany was not curbed until recently and the control over goods movements was inadequate, it can be assumed that great sums in gulden—we estimate them to equal 1/5 of the entire reichsmark account of the Dutch National Bank—were acquired by Germans for buying on the Dutch black market. If this sum is equated with the average inflation factor of 6, the real value amounts to 4,260 million RM.

The total of Dutch contributions, accordingly, comes to *12,030 million RM.*

6. *Denmark.*—Denmark is not considered as occupied territory and so pays no occupation costs. The funds needed by the German troops are placed at the disposition of the head administration of the Reichskreditkassen by the Danish Central Bank by way of credits. For the duration of the war, then, at any rate, Denmark made no uniform contribution. The credits so claimed amounted to almost 1.5 billion RM by 31 March 1944.

	Occupation costs, Kroner (millions)	RM purchasing power 100 Kroner = --- RM	Occupation costs, Reichsmark purchasing power (millions)
1940–41	531	53.1	282
1941–42	437	47.7	208
1942–43	612	47.5	290
1943–44	1,391	47.9	666
			1,446

No estimation is made of the sums going into the black market. It can be assumed, to be sure, that members of the armed forces buy butter and other products at increased prices in Denmark, too, but it is impossible to make any accurate statement concerning this. For the black market seems less widespread and less well organized than in the occupied Western regions and more similar to the German black market, with its irregular price structure. As a rule certainly, the Danish black market prices

were far below the German. Therefore, one can not speak of a uniform over-charge or inflation factor, as in France, Belgium and Holland.

Our clearing debt to Denmark amounts to about 1,100 million RM. It increased as follows:

	Kroner (millions)	RM purchasing power (millions)
From 9 Apr 1940–31 Aug 1940	297	158
From 1 Sep 1940–31 Aug 1941	358	171
From 1 Sep 1941–31 Aug 1942	416	198
From 1 Sep 1942–31 Aug 1943	560	268
From 1 Sep 1943–31 Mar 1944	612	293
TOTAL		1,088

Denmark's total contribution, then, amounted to about *2,530 million RM.*

7. *Norway.*—The Norwegian economy has borne an especially heavy burden of occupation demands. For this reason the occupation charges had to be limited to only a portion of the Armed Forces expenditures. The remainder is being financed, for the time being, by credits of the Central Bank placed at the disposition of the head administration of the Reichskreditkassen.

	Occupation charges, Kroner (millions)	Credit with the Norges Bank, Kroner (millions)	Total
1940–41	353	2,132	2,485
1941–42	1,292	1,835	3,127
1942–43	981	942	1,923
6 mos. 1943 to Mar 1944	approx. 750	approx. 750	approx. 1,500

Expressed in reichsmarks, this equals for the following amounts:

	Kroner (millions)	RM purchasing power value 100 Kroner = ___ RM	Purchasing power, Reichsmarks (millions)
1940–41	2,485	63.9	1,588
1941–42	3,137	52.8	1,656
1942–43	1,923	52.6	1,011
1943–44	1,500	52.6	789
			5,044

This sum of over 5 billion RM is indeed a large amount, taking into consideration the state of Norwegian economy. Countries with much greater economic resources, such as Belgium, paid little more, and Denmark furnished not even half as much. These large contributions were made possible only through German subsidies [Zuschuesse]. It is not surprising, therefore, that German-Norwegian foreign trade is balanced in Germany's favor, that is, it is a subsidized operation [Zuschussgeschaeft]. Since Norway is scarcely in a position to furnish labor forces to Germany, owing to her own manpower shortage, it is one of the few countries which owe us certain amounts under the clearing agreement.

Status of German Clearing Balance (in million RM)

31/8/1940	minus 5.6
31/8/1941	plus 111.3
31/8/1942	plus 43.2
31/8/1943	plus 105.3
31/3/1944	plus 132.3

Increases and decreases in the German demands made on Norway were as follows:

	Kroner (millions)	Purchasing power reichsmarks (millions)
From 9/4/1940—31/8/1940	minus 10	minus 6.4
From 1/9/1940—31/8/1941	plus 205	plus 131.0
From 1/9/1941—31/8/1942	minus 120	minus 63.4
From 1/9/1942—31/8/1943	plus 109	plus 57.3
From 1/9/1943—31/3/1944	plus 47	plus 24.7
		143.2

If this sum of about 140 million is subtracted from the occupation charges and credits granted, as presented above, there still remains the very considerable sum of approximately *4,900 million RM* representing the contribution made by Norway.

8. *Serbia* . . . . .*
9. *Greece* . . . . .
10. *Occupied Eastern Areas*

In determining the value of the contributions of the Occupied Eastern areas it is expedient to appraise separately the items involved. For occupation payments were made only by the Ostland and the Ukraine, but not by the zone of operations, and

* The dots after the subheadings "8. Serbia" and "9. Greece" appear in the original German document.

only a part of the foreign trade is carried on under clearing arrangements. The goods claimed by the Armed Forces and the Reich are provided at German wholesale prices. Since the extent of much of the services rendered (quartering and transport) is unknown, and the value of only the most important food and raw material deliveries has been determined, the sum arrived at by the addition of the individual items is necessarily too low.

a. Agricultural deliveries, up to 31 March 1944, totaled just about 4 billion RM as against German counter contributions of 500 million RM, so that the total value received was in the neighborhood of 3.5 billion RM.

b. In the field of *industrial contributions,* very little was achieved. Russian deliveries of raw materials valued at approximately 725 million RM are offset by German importations of machinery, tools, and equipment valued at 500 million RM and coal deliveries (not counting those of the Armed Forces and the railways) amounting to approximately 35 million RM. There remains a net profit, therefore, of only 190 million RM. There should be added the contributions made by the processing industries to the Army in the East, here estimated at 500 million RM. The total contributions in the industrial field can therefore be placed at 690 billion RM.

c. Finally, the net profit from the employment of the Eastern workers, obtained from laborers, remittances, and deductions from wages [Ostarbeiterabgabe], must be taken into account.

Worker's remittances	26.5 million RM
Deductions from wages	209. million RM
[Sic]	335.5 million RM

d. The final balance—admittedly incomplete—appears something like this:

	Million RM
Agricultural contributions	3,500
Industrial contributions	690
Manpower labor value	335
TOTAL	4,525

The Russian contributions total, then, *4.5 billion RM.* This is less than the contributions of most of the countries. France furnished about 7 times as much, Belgium more than twice as much, and the other countries, with few exceptions, also provided more. The figure given appears unbelievably low, in fact, not only in comparison with other countries, but also from an absolute standpoint. The value of all food and raw material deliveries to the Armed Forces and of the manpower employed in

the Reich is doubtless not fully represented in this sum of 4.5 investments in the then Russian economy. [The contributions which can not be assessed doubtless run into the billions.] They will be taken into consideration in the concluding statement, where all the contributions which can not be statistically evaluated will be summarized.

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Major

G. TESTIMONY OF DEFENDANT SCHWERIN VON KROSIGK ON VARIOUS ASPECTS OF THE SPOLIATION CHARGES

EXTRACTS FROM THE TESTIMONY OF DEFENDANT SCHWERIN VON KROSIGK*

DIRECT EXAMINATION

* * * * * * *

DR. FRITSCH: (counsel for defendant Schwerin von Krosigk): I think that finishes count five of the indictment, and we will now turn to count six.

Now, with reference to the prosecution's charge of the participation of the Ministry of Finance in spoliation of the occupied territories, I would like some brief comments, and I think we will get on most quickly if here again you first of all answer the general question: What was the competency of the Ministry of Finance for the occupied territories?

A. The question of competency has been repeatedly dealt with here, and so I would like to answer only with a few brief cues. The supreme authority lay in the hands of either the military commander, who was subordinated to the OKW, or in the hands of the Reich Commissioner, who was subordinated to the Fuehrer. Goering had an unrestricted right to give instructions in economic questions. For definite, special assignments, various Reich agencies were given special powers, for example, Speer and Sauckel. The Minister of Finance had nothing whatsoever to do with the administration of the occupied territories; he had no immediate influence even with respect to the fixing of occupation costs. The decision concerning the nature and amount of occupation costs was taken by other agencies. We will come later to who this was in each area. Conditions in the East, for instance, were somewhat different.

Q. How is it that Goering was the deciding economic instance in all economic questions?

* Further extracts from the testimony of the defendant Schwerin von Krosigk are reproduced in sections VI B, VI E, Volumes XII and IX B 3 above.

953402—52——59

A. A Fuehrer decree was always issued for each occupied area, after its occupation, which gave Goering full powers in economic questions.

Q. You are thinking, for instance, of the Fuehrer Decree of 19 May 1940 concerning the Netherlands, Document NG–1492, Prosecution Exhibit 2575,[1] in prosecution document book 81, page 1. Is that correct?

A. That is correct.

Q. Were any officials of the Reich Finance Administration working with the military commanders or Reich Commissioners?

A. I cannot answer the question "yes" or "no" in the way that you put it. Naturally, personnel was required by the military commanders and Reich Commissioners, and that is why officials of all ministries were sent to the occupied territories. The Reich Finance Administration too, of course, had to make officials available. However, from the moment they started work they were no longer subordinated to me, but were subordinated to the military commander or Reich Commissioner. Therefore, they were no longer my officials, to whom I could give instructions. On the other hand, perhaps contrary to the habits of some other ministries, I attached special importance to making my most able workers available, so I had a guarantee that even if not officially, then at least unofficially, I would be informed of matters which might interest me, and in this way I could exercise at least a certain amount of influence. However, as this development shows, that was, of course, only an indirect and unofficial influence.

Q. I think we need not go any further into the matter of competency in the various occupied territories. I will submit some affidavits by officials who were in these territories. I would like to refer to the following in Krosigk document book 4: Document Krosigk 43, Krosigk Defense Exhibit 139, the Korff affidavit; Document Krosigk 49, Krosigk Defense Exhibit 149, the Eckhardt affidavit; Document Krosigk 50, Krosigk Defense Exhibit 150, the Vialon affidavit; to an affidavit by the competent department chief in the Reich Finance Ministry itself, Dr. Berger, Document Krosigk 151, Krosigk Defense Exhibit 134; and to an affidavit by Ministerial Counselor Breyhan, Document Krosigk 153, Krosigk Defense Exhibit 135.[2] Now, just one more question. Were there any differences of opinion in the case of the various occupied territories?

A. Yes. There was a fundamental difference, which can perhaps be cleared up most easily by explaining the contrast between the views held by Goering and those I had in mind, and in between

[1] Reproduced above in section D 1.

[2] None of the affidavits referred to by defense counsel are reproduced herein.

those two extremes there were all sorts of possibilities. Goering considered the occupied territories exclusively as objects of utilization for Germany's waging of war. I always considered that however the war might end, Europe must still, in the future, become one economic unit, and that it was therefore of decisive importance that every country should be kept in the soundest possible state. Naturally, I never turned a deaf ear to the exigencies of war, but the contrast in these opinions turned up in a very blunt form. If, for instance, it was a matter of inflation in any country, then Goering would take the standpoint that we need not bother about it, that, on the contrary we should be pleased if such a state of affairs arose in any country. I took the standpoint that everything possible should be done in order to prevent such disastrous developments. Now, what mattered was whether the men competent for the various territories actually put Goering's demands into practice, or whether they followed a more sensible policy. One example of a commander who, in my opinion, did everything possible on his part in order to steer a sensible course was the Military Commander for Belgium, General Falkenhausen.

* * * * * * *

Q. Now, we must again pass briefly to one subject—that is, the Economic Policy Committee [Handelspolitischer Ausschuss—HPA]. All these things have been discussed at such length here that really we need concern ourselves only with the materials directly affecting the relationship between the Ministry of Finance and this committee.

My question is—Over the Economic Policy Committee, did the Ministry of Finance not have competency with respect to the occupied territories? In other words, did you now have a means of influencing conditions in the occupied territories through the Economic Policy Committee?

A. For that purpose I must quite briefly mention the competency of the Economic Policy Committee. Originally it was a cabinet committee, where matters of economic and customs policy were finally regulated. If the Committee took a vote in this capacity, then decisions were made. To an increasing degree, however, the Committee was used to settle other economic matters, too, concerning Germany's relationship with foreign countries, for instance, clearing questions. In this capacity the Committee was a body of experts where no final decisions were made, but where expert opinions were expressed. That was the big difference. Now, in addition, in its second capacity, the Committee was staffed in a different way. It had increased in size. A representative of the Four Year Plan attended, and during

the war there was also regularly a representative of the OKW present. So the cabinet committee which could make final decisions turned into a conference [Ressortbesprechung] where, for instance, also in matters of occupation costs, no final decisions could be made. In accordance with this development, I had two representatives on the committee—One was the head of my Customs Divisions, and he regularly attended when the Committee was meeting in its capacity as a cabinet committee. The other was the head of the Economic Division, and he attended when the committee met as an expert body. My representatives informed me only when matters of special importance were discussed, or when there were considerable differences of opinion, or when one of my representatives couldn't get his own way. Perhaps later I can come to some practical examples of that.

Q. Just one question—Did these representatives have to get instructions from you in individual instances?

A. No. That was not necessary because of my basic attitude which was known to them. Within the framework of this attitude they were able to discuss the problems which were on the agenda, but naturally it would also occur that sometimes they would come to me before a conference to discuss a new question of importance.

* * * * * * *

Q. Now, to what extent was the Reich Ministry of Finance competent at all for the clearing question?

A. Actually the Reich Ministry of Finance was not connected with the clearing business. The Ministry of Economics was competent for that. The clearing negotiations were conducted in the Economics Ministry. The Adjustment Office where the German payments were made was set up in the Reich Bank; the Reich Ministry of Finance had no connection with either of these. To be absolutely correct the Ministry of Finance was concerned with one aspect of clearing. When interest was due on its foreign debts, it recounted these through the clearing agreement with the countries participating. So the Ministry of Finance would pay these sums in reichsmarks to the Adjustment Office; and the foreign creditor would receive the money from his Adjustment Office. That, of course, had nothing to do with the exchange of goods. The Reich Minister of Finance was more or less in the position of a private individual paying his debts in this form.

Q. * * * Now, I think we will have to come to the question of occupation costs. According to your description the clearing agreement in itself was not connected with the matter of occu-

pation costs; but were occupation costs, in actual fact, not settled through the clearing account?

A. In order to answer this question accurately I think I must quite briefly enter upon the concept of occupation costs. I think I may assume that it is known what is meant by the term of internal occupation costs [innere Besatzungskosten]—that is, everything required by the occupation troops in the occupied territory. That term has always been quite clear. It was also quite clear that the so-called external occupation costs [aeusseren Besatzungskosten] also belonged to occupation costs. That includes what had to be sent to the troops in the occupied territory from home. Here, again and again, the difficulty arose with reference to the definition and extent of these external occupation costs. There was a technical difficulty too. That is, in order to be able to pay the external occupation costs, either gold or currency from the occupied territory had to be transferred to the countries of the occupying power. That is the method adopted by the Allies in Germany after 1918; and the other possibility was that from the funds raised in the occupied territory as occupation costs, one should buy up valuables and securities of all kinds in the occupied territory and take them to the country of the occupying power. As far as I was able to comment on the question, the theoretical difference between external and internal occupation costs did not play any considerable part, but the supreme law, standing above both forms of occupation costs, was not to exceed the ability of the occupied territory to pay. However, a connection arose between the occupation costs and the clearing account in quite a number of questions; as, for instance, in the question of the repayment of Reich credit notes, and in the case of army postal money orders to soldiers in the occupied territories. These are very complicated matters, and I don't want to go very deeply into them; but I had to refer to these because these problems play a part in the number of documents submitted against me.

Q. But the question does arise—What was your connection with occupation costs? I think we must at least touch upon this question.

A. As I said at the beginning, I was not directly connected with them at all. Occupation costs were dependent on the number of occupation troops and on their expenses; and I had no influence on that. But in this very difficult sphere, a number of problems cropped up which were discussed at ministerial conferences insofar as the local commanders did not decide them directly or insofar as the OKW as highest military agency, or Goering, as economic dictator, did not decide. In this way, the

Ministry of Finance would sometimes come into contact with such problems without, however, having any decisive influence on the final decision.

Q. I think we need not go into that any further. The main point obviously is that you say that you were asked for advice as an expert in financial matters. It that correct?

A. Yes, that is correct. There are letters available from Referenten in my ministry where a definite opinion of the Ministry of Finance is explained.

Q. Now, I would like to quite briefly deal with some questions concerning occupation costs, because the prosecution has submitted documents against you. I would like to give you a cue. There was talk of costs alien to the occupation [besatzungsfremden Ausgaben], that is, expenditure met out of occupation costs which allegedly did not belong to the occupation costs proper. Here, again, I don't want to put individual questions, but I would like a general comment from you.

A. This concept of expenditure alien to occupation costs was a disputed term. As I have already said, the agencies responsible for regulating the matter of occupation costs were of the opinion that instead of transferring gold or currency to Germany to cover external occupation expenses, to a certain degree, it was permissible to divert funds from the occupation costs with which purchases of goods were to be made in the occupied territories. So I am convinced that this was not so much a matter of principle as it was a matter of degree.

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Q. Now, we come to a problem which I would like to term the black market problem. It is of interest in what way the Ministry of Finance was concerned in these black market purchases. I think that I may sum up this concept of black market purchases by saying that in the occupied countries goods were bought up at excessive prices with the occupation cost fund and taken to Germany. I would be grateful if you would describe the part played by the Ministry of Finance in these transactions.

A. It is unfortunately a matter of experience that everywhere, where there is a shortage of goods and where there is a controlled economy with price controls and rationing of goods, that a black market always comes into existence. It was like that in the occupied territories in wartime. The danger of black markets lay in the fact that the black market was not only a consequence of financial inflation, but that throughout it a vicious circle was started. It in itself speeded up inflation. Since I, in Germany's interest, considered inflation in the occupied territory to be a great danger, I was an enemy of the

black market. It was very difficult to get military support in such matters in view of Goering's attitude, but in respect to most of the military men it was just as difficult because all they saw was that in Germany there was a shortage of consumers' goods of all kinds. Hemmen, as a witness,* gave the example of the toothbrush, which had ceased to exist in Germany while in the occupied territories they still were in plentiful supply. The military and Goering thought it a matter of course that individual Germans with their money and the agencies should buy up everything that they could lay hands on without consideration for price.

* * * * * * *

Q. The prosecution contends that the market in France was flooded by these Reichskreditkassenscheine, thus undermining the economy. Now, let me ask you what position the Reich Ministry of Finance adopted toward these Reichskreditkassenscheine?

A. Every occupation power works in its first stages with occupation currency, if only to avoid having the troops to requisition. That is what was done during the war. You no longer need occupation currency from that moment on when the occupying power has enough of the currency of the occupied power in its possession. For Germany as occupying power, the Reichskreditkassenscheine was the occupation currency. The main offices of the Reichskreditkassenscheine in Berlin was, so to speak, the bank issuing the currency for the occupation. In the occupied territories Reichskreditkassen were set up. They were, by and large, exchange banks where the soldiers changed their Reichskreditkassenscheine into francs, and so forth. In order to remove a burden from the main office in Berlin, there was a main administration set up for the Reichskreditkasse, one in the East and one in the West. In the West it was the main administration in Brussels which we ran into again and again in these documents. There was an advisory council in the main administration in Berlin. The chairman was the vice-president of the Reich Bank, and a number of representatives from the various ministries belonged to this council, above all the OKW which was represented by three members. Among the members of this advisory council was also a member of the Ministry of Finance.

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Q. Did the question of traffic over the border play a role in this matter? There are a number of documents put in by the prosecution dealing with this matter and are probably charged

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* Hans Richard Hemmen testified as a prosecution witness. His testimony is recorded in the mimeographed transcript, 23–25 March 1948, pages 3943–3959 and 4138–4216.

against you because you were in charge of the customs border police. Can you say anything about this?

A. Yes, of course. The customs border police were under me. In another context I have already spoken of the struggle that I waged with Himmler to keep the customs border police under my authority, but Himmler was not my only opponent. My other opponent was Goering. To be sure, for quite different reasons. The one man wanted to get the border police under himself, and the other man wanted to do away with it altogether. Goering was fundamentally against the control that the customs border police had on orders from the OKW, namely, a control exercised on members of the armed forces on the border between Germany and the occupied territories. This question was a subject of continual dispute between the Minister of Finance and the various branches of the armed forces, particularly the commander in Chief of the air force. There were continual complaints from military commanders regarding the behavior of my customs offices toward the soldiers, who had to go through customs inspections on the border and didn't want to. The customs officials did their duty which was difficult, it is true, when in accordance with an order issued by the OKW they inspected members of the armed forces at the border. This order stated expressly what a member of the armed forces could take from the occupied countries back into Germany, and this dispute between Goering and me repeatedly found expression during meetings in which Goering demanded doing away with the customs inspection in a very unfriendly fashion.

Q. I believe you have referred to two prosecution exhibits, on the one hand to Document EC–485, Prosecution Exhibit 2477,[1] document book 88–II, page 177. That is the meeting under Goering's chairmanship on 13 October 1940.[2] Likewise to the discussion on 6 August 1942. That is Document NI–10105, Prosecution Exhibit 3429,[3] in book 109, page 1. These were the meetings you were referring to?

A. Yes. In the meeting of 13 [1] October 1940 I myself participated, and the meeting in August of 1942, was attended by my State Secretary Reinhardt.

Q. Were you successful in your demands that at any rate the importation of wares in unpermissible quantities should be prohibited? That is the point of view you took toward Goering in this meeting.

A. Yes and no. In the minutes of the meeting it says, to be sure, the meeting of 13 [1] October 1940, that I was agreeable

[1] Reproduced in part above in section D 1.
[2] This is the date of report of conference. The conference was held on 1 October 1940.
[3] Reproduced in part above in section D 1.

to having the customs inspection done away with. That, moreover, is an example of how cautious one has to be in evaluating such minutes. At that time I expressed myself much more carefully. It never remotely occurred to me to do away with the border control. All that happened was that we agreed on a few relaxations with the OKW. In other respects, the customs border inspection remained exactly the way it had been—unchanged. The best proof of that is that in the second meeting 2 years later in August of 1942, Goering makes exactly the same demand of the Ministry of Finance, saying, "Please, once and for all, get rid of those border police."

Q. Goering used very strong expressions at this meeting. Did Reinhardt repeat them to you?

A. No. He simply told me quite generally that Goering had shot off his mouth and hadn't let the representatives of the occupied territories speak, including Reinhardt himself. Otherwise, he simply reported to me on the customs questions which after all concerned both of us.

* * * * * * *

Q. Now, Prosecution Exhibit 634, in document book 15–B, page 102, Document NG–3684,[1] deals with currency in the Protectorate. Was this a devaluation of the koruna?

A. I don't believe so. However, opinions frequently diverge on such matters and on what is more harmful for the economy of a country, the devaluation or supervaluation of its currency. We have had a lot of examples of that here.

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Q. Now, Prosecution Exhibit 3064, document book 144–A, page 123, NI–12000,[2] the so-called Vyskovsky report. Here it says that the Czech State was obliged to surrender all its shares in the armaments plant Skoda to the Kehrl-Rasche group. This was to have been paid in korun which were taken out of circulation when crossing the border. Do you know anything about this?

A. I never heard that the Czech State was forced. According to what I heard at the time, the negotiations were carried out without any coercion at all. On the other hand, it is quite correct that the shares were paid for in korun which were withdrawn from circulation. For these korun, the Ministry of Finance had to pay out marks. In other words, I paid for these shares in full.

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[1] Reproduced above in section B 1.

[2] Not reproduced herein. This is a post war report by Eduard Vyskovsky on German economic measures in occupied Czechoslovakia, which was used in the trial against Karl Hermann Frank, the former Minister of State and Chief of SS and Police in the Protectorate of Bohemia-Moravia, before a People's Court at Prague in the spring of 1946.

Q. Were these negotiations inaugurated on your incentive?

A. No. That has already been testified to in detail here. The Ministry of Finance didn't take the initiative in this in any way; it was brought in later.

* * * * * * *

Q. Did you yourself consider the French Government to be a genuine government?

A. I don't want to go into any legal arguments here. I would like to refer only to my own practical experience. The French Government had the courage—and I will come to this presently—to reduce the occupation costs on its own account, and in the matter of occupation costs it stood up for France's interests with so much stubbornness and energy that it never occurred to me to doubt the genuineness of this government in any way. I can give you an example. The German Government was making compensation claims, because the French Government had taken Polish gold away and that had caused a loss. The French Government succeeded, by tough negotiations, in dragging the negotiations out until 1944, and so making the claim of the German Government ineffective.

Q. I must quite briefly touch on the question as to whom Hemmen was actually subordinated and, in connection with that, perhaps quite briefly go into the question of the competency of the Hemmen Delegation, but only quite briefly, from your own point of view.

A. As a part of the Armistice Commission, he was subordinated to the OKW. To the extent that he had economic functions, he was subordinated to Goering. He himself testified here that Ribbentrop instructed him to take instructions only from Ribbentrop himself. These were the competency quarrels which, in the Third Reich, were not only a matter of prestige, but very real struggles for political power. Thus a number of—I might call it—principalities, had become established, organizations with their own extended powers of authority and instruction; under Himmler, Goering, Bormann, and Goebbels, and between these there was a constant struggle. Ribbentrop also imagined that he was one of the big shots, and he didn't want to get under the wheels of any of the others. That is why he was engaged in a constant competency battle. The result of the battle was, among other things, that the expert ministers who were not backed by any political power stepped more and more into the background, especially in spheres where political questions stood in the foreground. Behind the Minister of Finance there was no real power either, and therefore, as far as there was any question of his com-

petency in the occupied territories, he receded more and more into the background.

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Q. We shall not enter into the question of the various conflicting competencies. What is important to me is, what about the competency for the occupation costs?

A. I can sum it up as follows: The High Command of the Armed Forces was competent for the basic question of the amount of the occupation costs. The needs reported by the OKW constituted the basis for negotiations with the French Government. The use of the funds paid by France was determined in part by Goering. That created the problem that I have already discussed, of the costs alien to occupation. Thus the two decisive factors were actually the OKW and Goering. Hemmen conducted the negotiations; he received his instructions from Ribbentrop and, on orders from Ribbentrop, from Wiehl. Wiehl was in charge of the Economic Policy Committee [HPA], and he discussed the problems in the Economic Policy Committee. You have a lot of competencies here, and it is quite complicated. I don't believe we have to go into these various competencies, but the matter can best be made clear through an analysis of the three phases in which French occupation costs were regulated. The first phase was in the summer of 1940, establishing the occupation costs; the second phase was the negotiations on the reduction of occupation costs, from the end of 1940 until 1942; and the third phase was the increase in the occupation costs after the invasion of North Africa.

What was fundamental, in the first place, for the first regulating of occupation costs, was the attitude taken by the military agencies, as they have expressed this view in writing and orally in the summer of 1940, as a result of the armistice negotiations. The other ministries had to regard the view adopted by the military as the basis for their views. Thus, the OKW stated that the sum necessary was 20 million marks daily. This was communicated to the French Government, which expressed its misgivings in a lengthy note.

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CROSS-EXAMINATION

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MR. HARDY: Now, is it not true that you reached an agreement with the OKH that captured and confiscated securities were to be handed over to the Reich Main Finance Office for realization?

A. You say seized securities, Counsel, is that what you are saying?

Q. Yes.

A. Well, speaking of captured securities, that fell under the general provisions, of course. They had to be utilized by the Reich Ministry of Finance.

Q. How about the confiscated securities?

A. I don't quite understand your question, Counsel. This represented nothing. I already told you previously.

Q. I am talking now about the occupied territory of Poland. I am not talking about the Jewish property that was confiscated. I am talking about property that was confiscated in the occupied territories. That was turned over to the Reich Main Finance Office, is that right, in an agreement between you and the OKH?

A. I wouldn't be able to say so on the spur of the moment.

MR. HARDY: I wish to mark for identification NG–5251, Your Honors, which will be marked as Exhibit 3922.*

PRESIDING JUDGE CHRISTIANSON: The document described will be given identification number 3922.

MR. HARDY: Now, looking that over, does that refresh your recollection?

A. No, by no means, whatsoever. That's why I couldn't recall it either, because this matter was never submitted to me.

Q. That is signed by Bayrhoffer, isn't it?

A. Yes, signed by Bayrhoffer.

Q. That's the same Bayrhoffer who was your subordinate?

A. Yes, and reading it I find, from a very cursory perusal only, I find this all to be in conformity with things that are matter of fact. I would have to be more careful in my reading of it, but I didn't recollect it because it was never reported to me.

Q. Well, the fact that confiscated securities and captured securities in occupied territories were turned over to the Reich Ministry of Finance never came to your knowledge; is that correct?

A. I beg your pardon. There is mention here of captured funds and then there is a specification of the various possibilities involved. Therefore, what this involves is securities which in proper order and in accordance with regulations issued, had been captured by the armed forces and the fact that they were subsequently utilized after their capture, that is a matter of fact.

Q. And they were turned over to your Ministry. Were you aware of that or weren't you?

A. I didn't know of it in detail but all this is matter of course.

Q. Well, were you aware of the fact that money and securities, jewels and other captured or confiscated items in Poland were to be delivered to your Ministry?

* Reproduced above in section C 1.

A. I beg your pardon, Counsel, in this instance the armed forces captures a Polish pay office and thus captures Polish funds and Polish securities and the like. Then, of course, it follows as a matter of fact that the Reich Main Finance Office has to utilize these assets.

Q. Well, was it also true that in addition to currency and securities, that jewelry and the like was to be treated in the same manner?

A. In the event that such items were actually captured, yes. The answer is yes, of course.

Q. Now, did this also extend to Norway, Holland, Belgium, Luxembourg, and France, in addition to Poland?

A. In the event that it involved regularly captured booty on the part of the armed forces the answer is yes, of course.

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JUDGE MAGUIRE: Well, Witness, you spoke of war booty. Just how could a savings bank book become a part of war booty?

DEFENDANT SCHWERIN VON KROSIGK: You say a savings bank book, Your Honor?

JUDGE MAGUIRE: Yes, where people put in small sums in savings accounts. How would that become war booty?

A. I can't imagine any such case right now, Your Honor, off hand.

Q. Well, how would securities become war booty?

A. Yes, securities without any further ado, Your Honor, I believe, and I am sure that this applies to the various finance offices of the armed forces because they also handled securities.

Q. Well, I mean, but how, under what theory of international law would securities belonging to private individuals become war booty, under what circumstances?

A. Your Honor, first of all we are not discussing securities of private persons. We are discussing securities that were located in banks of the enemy power, and that does happen.

JUDGE MAGUIRE: All right, go ahead.

MR. HARDY: You maintain that all those securities confiscated in these banks in the occupied territories were securities of the government which you were occupying; is that your position?

A. I don't know it, Counsel.

Q. Well, then you cannot affirm nor deny it?

A. After all, I wasn't responsible for capturing booty. This was armed forces jurisdiction.

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Q. Was it not your opinion that in the eastern territories it was necessary to safeguard the food for the German nations, and

that also the oil, coal, ore, and other raw materials was to be taken from Poland for the German economy?

A. That is an issue for which I was not responsible.

Q. Was that your opinion?

A. I never enunciated any such opinion, as far as I remember, in an official capacity.

Q. Well, didn't you feel that it was necessary to exploit the eastern territory more than it had been exploited, and that it was indispensable to make use of Polish labor to an even greater extent than had been used prior to 1942?

A. I don't know whether you desire to refer to any specific case. I would not be able to say what you are referring to, but I do know one thing, that at all times I did throw my weight in favor of placing emphasis on agriculture in Germany so that the German people would be fed exclusively from German resources and not fed products received from occupied territories. My communications to Goering corroborate what I am saying now. Now, it may possibly be the case that at some time or other I may have spoken in favor of increasing the number of Polish workers employed, I would not be able to say so any longer; but if I did say so, I did so because there was a shortage of agricultural workers in Germany.

Q. I refer to you now NG–4900, which I mark for identification as Prosecution Exhibit 3924,* Your Honor.

PRESIDING JUDGE CHRISTIANSON: The document will be marked 3924, for identification.

MR. HARDY: And the question I have to ask you concerning that, Herr von Krosigk—This is a file copy of a memorandum, or of a letter, entitled "Administration, Economy, and Finances of the Occupied Territories in the East", dated 4 September 1942. And does it not indicate, on page 6 of the original, that this document had been signed by you?

A. Yes. It says here "Signed, Graf Schwerin von Krosigk," but my signature isn't on it.

Q. That is a file copy of a letter from your organization, isn't it?

A. I would not be able to say just from merely looking at it. In order to verify whether this is actually a communication originating with me, I would have to read it first.

Q. Would you look through it, please, and tell me whether that is a communication originating from you?

A. I have only looked at it very cursorily, and in view of that my answer is "Yes."

* Reproduced in part above in section E 1.

Q. And would you turn to the last page of the document and tell us whether or not you recognize to be there the signature of Gottlob Berger, SS Lieutenant General, passing on this agreement between you and the Reich Minister for Occupied Eastern Territories? Is that Berger's signature there? Do you know his signature well enough to say?

A. I am afraid I don't know Berger's signature sufficiently well; no, I don't.

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REDIRECT EXAMINATION

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DR. FRITSCH: Let us now pass over to Document NG–5251, Prosecution Exhibit 3922* which needs a little lengthier discussion on our part. This involves the term, "booty funds." It is right for me to say, in defining this term, that you always proceeded on the assumption that this involved assets and absolutely had to involve assets which had been placed in safe custody on the part of the armed forces?

A. Yes. Because it was with the armed forces agencies that the respective agreements were reached.

Q. Now, I would like to refer to a question propounded by Judge Maguire. Please be good enough to reread item "B."

A. Yes.

Q. This refers to the savings books [Sparkassenbuecher], and you yourself said that private property naturally is eliminated from the discussion.

A. Yes.

Q. But one thing surely is definite—In the main, savings bank books will be drawn up in the name of a private person.

A. Yes.

Q. And I don't want to preclude altogether that they might possibly read in favor of an agency. What explanation can you give for the fact that a savings bank book may become booty?

A. Yesterday I was rather tired, and I didn't want to draw up any imaginary statements.

It's obvious to see that in the case of all finance offices, including military finance offices, of course either in the form of deposits or in the course of executions as a result of judgments, or in the case of confiscations, it was possible for securities, including savings bank books or certain objects of value, to be deposited in such institutions. And, of course, if these finance offices were confiscated in the course of the taking of booty, under

* Reproduced above in section C 1.

that procedure recourse could of course be taken to these items in the form of war booty. Maybe I had better add one thing in this connection—Of course everything tangible in the form of booty was immediately utilized. Take, for example, funds, foreign exchange, and securities; these would be utilized by the Reich Bank. Or take coinage and silver, which would be utilized by the mint. Objects of value would be utilized by the municipal pawn shops; and other items remained in safe detention, including items such as savings bank books.

JUDGE POWERS, Presiding: Witness, you speak of "saving bank books." The document says "saving bank books." Did you interpret it to refer to the bank of the individual depositor or to the books of the bank?

A. No, Your Honor, I was thinking of the savings bank books of the individual savers which are deposited with a public cashier's office in the form of security [Kaution], as I said, or as a result of having been confiscated.

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DR. FRITSCH: Count Schwerin, I would like to pass over to Document NG-4900, Prosecution Exhibit 3924. First of all, I have one preliminary question. It hasn't been possible for us to discuss anything between ourselves. At the time when I took a look at that exhibit at my leisure I had the feeling that this was a document for which we had been looking for many months, which is the so-called "hyena communication" [Hyaenenbrief].

A. Yes, of course.

Q. Would you be good enough to indicate to us the trend and general contents of this communication very briefly, please?

A. In a very vehement form criticism is raised in this communication concerning events which had taken place in the East —that is, the Eastern Occupied Territories. The over-organization there is criticized, and this sentence is to be found in this communication—"We ourselves don't know anymore which is an authority and which is not, what belongs to an authority or to a semiauthoritative company, or to the large group of selfish hyenas of the battlefield." At that time there were an incredibly large number of people pushing themselves into this administration.

Furthermore criticism was raised concerning the fact that there were numerous organizations there which were in a position of circumventing all forms of control or supervision. Furthermore, reference is made to the high salaries paid out there which was bound to cause the resentment of both the soldiers as well as the indigenous population. The entire trend of the letter goes to say that in a financial respect it was necessary to draw up a proper

supervision and to put the entire organization in the shape of integrity and decency.

Q. Count Schwerin, of course we didn't want to discuss the contents of the communications, did we? After all, this speaks for itself. I only wanted to make sure that it was that very letter we had been looking for for so long.

A. Yes. That is correct.

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953402—52——60

XI. SLAVE LABOR—COUNT SEVEN

A. Introduction

Count seven of the indictment (vol. XII, sec. I), charged 14 of the defendants with the commission of war crimes and crimes against humanity for criminal participation in the slave labor program. During the course of the trial, the prosecution withdrew these charges as to the defendant Woermann. The Tribunal in its judgment (vol. XIV, sec. XV) found six of the defendants guilty on the slave labor charges: Berger, Kehrl, Koerner, Lammers, Pleiger, and Veesenmayer. The Tribunal found seven defendants not guilty under these charges: Darré, Puhl, Rasche, Ritter, Steengracht von Moyland, Stuckart, and von Weizsaecker.

Charges of criminal participation in the slave labor program were made in most of the Nuernberg trials. In addition to the slave labor count in the Ministries case, an entire separate count was devoted to slave labor charges in the indictments in four other Nuernberg trials—the Milch, Flick, I. G. Farben, and Krupp cases. In the volumes of this series concerning these four trials (see p. X, vol. XII), separate sections contain evidence on slave labor charges. In this section, therefore, only a small part of the evidence introduced in connection with the slave labor charges in the Ministries case has been reproduced. The evidence selected deals mainly with various aspects of the recruitment and deportation of laborers and only incidentally with the question of the treatment of foreign labor. The evidence selected does not contain any of the affidavits of prosecution affiants or any of the testimony of prosecution witnesses. Contemporaneous documents (sec. B, below) are followed by testimony of five defendants (sec. C, below).

Extensive argumentation concerning count seven appears in volume XII, section V, "Opening Statements," and in volume XIV, section XIII, "Closing Statements."

B. Contemporaneous Documents

TRANSLATION OF DOCUMENT KOERNER 67
KOERNER DEFENSE EXHIBIT 230

DECREE OF THE GOVERNOR GENERAL OF POLAND, 26 OCTOBER 1939, INTRODUCING COMPULSORY LABOR SERVICE IN OCCUPIED POLAND*

Decree Concerning the Introduction of Compulsory Labor Service of the Polish Population of the Government General of 26 October 1939

On the basis of paragraph 5, part 1 of the decree issued by the Fuehrer and Reich Chancellor on 12 October 1939, and dealing with the administration of the occupied Polish territories I herewith order:

Paragraph 1

(1) All Poles residing in the Government General between the ages of 18 and 60 are subject to public labor service, which decree is taking immediate effect.

(2) For Jews special decree will be issued.

Paragraph 2

Persons in the position to prove a permanent occupation of public interests are not to be drafted for the compulsory labor service.

Paragraph 3

The public compulsory labor service comprises particularly work in agricultural enterprises, construction and maintenance of public buildings, construction of roads, waterways and railways, regulation of rivers and works contributing to public culture.

Paragraph 4

(1) The workers will be paid according to wage scales considered just.

(2) The care of the workers and their families is to be assured within the frame of possibilities.

Paragraph 5

The Chief of the Labor Branch of the office of the Government General will issue the regulations necessary for the execution of this decree.

Warsaw, 26th October 1939

The Governor General for the Occupied Polish Territories.

FRANK

* As defense noted, this document was introduced as Document NI-4310, Prosecution Exhibit 76, in the Flick trial (Vol. VI, this series).

TRANSLATION OF DOCUMENT NG-1203
PROSECUTION EXHIBIT 2601

FILE NOTE OF THE REICH CHANCELLERY, 17 NOVEMBER 1939, CONCERNING THE USE OF POLISH PRISONERS OF WAR AND CIVILIANS IN AGRICULTURAL PRODUCTION

To Rk. 28618 B Berlin, 17 November 1939

1. *Note*—In order to make sure of agricultural production, the Plenipotentiary for the Four Year Plan and Chairman of the Ministerial Council for the Defense of the Reich, in accordance with the attached decree,* has urged that measures be taken already now for the *proper tilling and harvest of next year's production.* The decree concerns itself in particular with the securing of needed labor, and of horse teams, and with the fight against animal epidemics. The heads of county administration [Landraete] are to decide on the amount of labor needed, in cooperation with the labor office and the military district commands. The OKW is requested to examine whether *Agricultural Officers* should be assigned to the district replacement offices for this work, as in the First World War. The *prisoners of war* must be used. The Reich Labor Minister is requested to send into agricultural work the greatest number of *Polish civilian workers,* especially Polish girls. The Minister of Economics is to take care of wage transfer for other foreign workers. The Labor Minister is to secure temporary help in agriculture from women and girls living in country communities. The heads of county administration should arrange now already for the employment of *Armed Forces and Hitler Youth components,* etc., during peak periods next spring and for the hoe culture harvest.

Exchanging of horses should ensure an equal distribution of horse teams for agricultural production. The *Armed Forces* is instructed to occasionally *help out with horses.* Veterinaries, inducted into the Veterinary Officer Corps, *should be released* for the purpose of combatting animal epidemics.

2. To the Reich Minister—obediently submitted with the request to take official notice.

[Initial] L [Lammers] 20 November

3. To Reich Cabinet Councillor Dr. Killy—With the request to take official notice.

4. To the files [Illegible initials]

[Initials] KR [Kritzinger] 18 November

[Initial] W [Willhuhn] 17 November

* The decree mentioned was not a part of the document introduced in evidence.

PARTIAL TRANSLATION OF DOCUMENT NG–1162 PROSECUTION EXHIBIT 581[1]

EXTRACT FROM THE RECORD OF THE FIRST MEETING OF THE GENERAL COUNCIL OF THE FOUR YEAR PLAN, UNDER THE CHAIRMANSHIP OF DEFENDANT KOERNER, ON 20 DECEMBER 1939, AT WHICH STATE SECRETARY BACKE STATED THAT ONE AND ONE HALF MILLION POLES MUST BE ALLOCATED AS AGRICULTURAL WORKERS IN GERMANY[2]

Reich Chancellery [RK] 30855B 21 December 1939
[Handwritten] WILL

[Handwritten]

Records referring to Reich Chancellery 705B Top Secret
[Initials] KR [Kritzinger]
[Initial] W [Willuhn]
To the files 22 December

St. M. Dev. 11759
22 December

I. *Session of the General Council on 20 December 1939, Chairman —State Secretary Koerner*

Present: the State Secretaries: Neumann, Dr. Stuckart, Reinhardt, Dr. Landfried, Backe, Dr. Syrup, Kleinmann, Alpers

[Handwritten] RK31036B39.

Under State Secretary von Hanneken
The Ministerial Directors: Sommer, Mansfeld
Brigadier General Thomas
Professor Dr. Krauch[3]
Reich Cabinet Councillor Dr. Willuhn[4]
Ministerial Dirigent Marotzke
Senior Government Counselors Baermann, Schroetter

I. State Secretary Koerner opened the discussion by giving a survey of the development of the war economy up to the present

[1] By inadvertence this document was also offered in evidence as Prosecution Exhibit 2522 during the presentation of documents concerning the defendant Darré.

[2] Extracts from the record of several other meetings of the General Council of the Four Year Plan are reproduced later in this section.

[3] Evidence with respect to Carl Krauch's participation in the Four Year Plan is reproduced in the materials on the I.G. Farben case, volume VII and VIII, this series.

[4] Dr. Willuhn, an official in the Reich Chancellery, attended meetings of the General Council as Lammers' representative.

time. He is able to state that for the time being the only difficulties are those arising from the traffic situation, but that endeavors are being made to remove them. He passes on to the decree of the Field Marshal regarding the transfer of the affairs of the Plenipotentiary General for the Economy [GBW]; explains this decree, and states that the machinery of the Four Year Plan will remain small even after taking over some members of the staff of the office of the Plenipotentiary General for the Economy. The machinery will still perform no departmental duties, but its main function will be to examine the incoming material for use in the General Council and for the use of the Field Marshal, to settle differences of opinion, and to ensure a uniform policy.* In future the General Council will sit *every Wednesday at 1600 hours.* The next session will be held on Wednesday, 3 January 1940.

* * * * * * *

III. State Secretary Backe reports on the *state of agricultural production.*

* * * * * * *

B. The new crop depends to a very great extent on the availability of means of production.

1. *Labor*—Although compulsory service measures [Dienstverpflichtungen] are not to be resorted to generally, ways must be found of ensuring that female labor from occupations related to agriculture, and part of the labor which will become available in industry, will be directed into agriculture. In addition, from January on, one and one half million Poles must roll into the areas of labor shortage, although they will constitute an additional burden on the supply system. It is of special importance for agricultural work that textiles and footwear should be made available.

2. *Fuel.*

* * * * * * *

DR. GRAMSCH

Distribution:

State Secretary Koerner
State Secretary Neumann
State Secretary Dr. Stuckart
State Secretary Reinhardt
State Secretary Dr. Landfried

* Goering's Memorandum of 7 December 1939, announcing the extension of the duties of the General Council of the Four Year Plan and the appointment of defendant Koerner as Goering's deputy, is reproduced in volume XII, section VI B, as a part of Document NG–1177, Prosecution Exhibit 461.

State Secretary Backe
State Secretary Dr. Syrup
State Secretary Kleinmann
State Secretary Alpers
Under State Secretary von Hanneken
Ministerial Director Sommer
Ministerial Director Mansfeld
Brigadier General Thomas
Reich Cabinet Councillor Dr. Willuhn
Ministerial Director Dr. Gritzbach
Ministerial Dirigent Marotzke
Ministerial Director Dr. Gramsch

PARTIAL TRANSLATION OF DOCUMENT NI–7474
PROSECUTION EXHIBIT 582

EXTRACTS FROM THE RECORD OF THE FIFTH MEETING OF THE GENERAL COUNCIL OF THE FOUR YEAR PLAN, 31 JANUARY 1940, CONCERNING STATEMENT BY STATE SECRETARY SYRUP ON THE EMPLOYMENT AND RECRUITMENT OF POLES AS AGRICULTURAL WORKERS IN GERMANY*

V.P. 2384

Fifth meeting of the General Council held on 31 January 1940 under the chairmanship of State Secretary Koerner

Present: [Illegible initial] 5 February

State Secretaries: Dr. Landfried, Dr. Syrup, Kleinmann, Alpers

Under State Secretaries: von Hanneken, von Jagwitz
Major General Thomas

[Illegible handwriting]

The Ministerial Directors: Sommer, Dr. Mansfeld, Dr. Wiehl, Flottmann (on behalf of the Reich Commissioner for Price Administration)

Reich Cabinet Councilor: Dr. Willuhn

The Ministerial Dirigents: Marotzke, Danckwerts (on behalf of State Secretary Stuckart)

Reich Commissioner for Coal: Reich Office Chief Walter

Ministerial Counselor: Dr. Lorenz (on behalf of State Secretary Backe)

Senior Government Counselor: Dr. Schroetter

* Document NI-7474 contained the record of a number of meetings of the General Council of the Four Year Plan. Extracts from the record of the meeting on 24 June 1941, which took place just after the invasion of the Soviet Union, are reproduced in volume XII, section VI H.

1. State Secretary Syrup reported on the situation with regard to *the allocation of labor.*

* * * * * * *

b. Agriculture.—Up to 20 December agriculture has registered requirements for 608,000 transient workers [Wanderarbeitern] and farmhands. It is planned to fetch 780,000 Polish agricultural workers, over 50–60,000 of whom are to come from the new Reich Gaue. There are already 57,000 Polish agricultural workers in Germany. (Apart from these, 30,000 Italians, 25,000 Slovaks, and 12,000 Hungarians are expected.) The bad transportation conditions are making it more difficult to get the Polish program started. Therefore, the first transports must of necessity be recruited from the cities; this has been started. State Secretary Syrup definitely supposes that by the second half of March it will be possible to bring in about 600,000 Poles. State Secretary Kleinmann confirms that the Reichsbahn is able to cope with this amount of transport.

The wages of the Poles are arranged according to tariff. The Food Estate will see to it that no German workers are released in view of the lower wage rates of the Poles. The possibility of sending foreign workers to the Western territories behind the front, too, has not yet been established. Major General Thomas does, however, presume that the objections of counter-intelligence [Abwehr] may be put aside.

* * * * * * *

[Signed] DR. GRAMSCH

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State Secretaries—	
Koerner	1 copy
Neumann	1 copy
Dr. Stuckart	1 copy
Reinhardt	1 copy
Dr. Landfried	1 copy
Backe	1 copy
Dr. Syrup	1 copy
Kleinmann	1 copy
Alpers	1 copy
Gauleiter, Oberpraesident—	
Wagner	1 copy
Under State Secretaries—	
von Hanneken	1 copy
von Jagwitz	1 copy
Ministerial Directors—	
Sommer	1 copy
Dr. Mansfeld	1 copy

Dr. Wiehl	1 copy
Brigadier General Thomas	1 copy
Reich Cabinet Councillor, Dr. Willuhn	1 copy
Professor, Dr. Krauch	1 copy
Ministerial Director, Dr. Gritzbach	1 copy
Ministerial Dirigent, Marotzke	1 copy
Ministerial Director, [Illegible, probably Gramsch]	1 copy
	21 copies
	9 extra copies
	30 copies

PARTIAL TRANSLATION OF DOCUMENT NG-1408
PROSECUTION EXHIBIT 977*

COVERING LETTER TO COUNCIL MEMBERS, AND EXTRACTS OF STATEMENTS MADE BY STATE SECRETARY BACKE AT THE SIXTH MEETING OF THE GENERAL COUNCIL OF THE FOUR YEAR PLAN, 14 FEBRUARY 1940, ADVISING SAFEGUARDING OF THE NEXT HARVEST, UTILIZATION OF POLISH WORKERS AND PRISONERS OF WAR, AND THE PROBABILITY OF HAVING TO "CAUSE BY FORCE" THE MOVING OF NECESSARY POLISH WORKERS TO GERMANY

Berlin, 7 March 1940
W 8, Leipziger Str. 3

Minister President Field Marshal Goering
Plenipotentiary for the Four Year Plan

[Handwritten] German Economy Food situation

V.P. 4437

Corresponding to the suggestion made in the Sixth Session of the General Council, there is attached the text of the statements by State Secretary Backe

BY ORDER: Signed: DR. GRAMSCH

Certified. [Illegible signature]

[Stamp] Administrative Secretary

Minister President
Field Marshal Goering
Plenipotentiary for the
Four Year Plan [Initial] R [Ritter]

[Handwritten] 1. To Ambassador Ritter

* By inadvertence this document was also offered in evidence as Prosecution Exhibit 2602 during the presentation of documents concerning defendant Lammers.

2. To the Files
[Illegible initial] 11 March

To Messrs.
State Secretaries: Koerner
Neumann
Backe
Dr. Syrup
Kleinmann
Alpers
Under State Secretary von Jagwitz
Reich Cabinet Councillor Dr. Willuhn
Ministerial Dirigent Dr. Brebeck
Ministerial Counselor Dr. Baermann
Minister Eisenlohr
Professor Dr. Krauch
Lieutenant Colonel Conrath
Ministerial Dirigent Marotzke
Ministerial Director Dr. Gramsch

Copy

Dictation Sts. Backe — Berlin, 3 February 1940
To V.P. 4437

Statements of State Secretary Backe in the General Council on 14 February 1940*

* * * * * * *

I. *Safeguarding of the next harvest*

The damage which has already been caused or is going to be caused by the weather, by the late and incomplete fall cultivation, and by the failure to plough in the fall must be accepted and cannot be changed. This is the more reason to make good for these damages by good and timely spring cultivation. For this is decisive—

(1) *Allocation of labor, especially of Poles*
(2) Allocation of tractors and horses
(3) The *delivery of fertilizer*
(4) The delivery of seed

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* The apparent inconsistency between the date of the meeting "14 February 1940," and the date just above, "3 February 1940," appears to arise from the following sequence of events: On 3 February, Backe dictated the remarks he intended to make at the sixth meeting on 14 February; on 14 February Backe read his statement to the sixth meeting; on 7 March, the office of the Four Year Plan distributed the text of Backe's remarks at the sixth meeting, taking the text from Backe's earlier draft and neglecting to eliminate therefrom "Dictation Sts. (State Secretary) Backe" and the date of this dictation.

1. *Condition of labor allocation for agriculture.*—The need for agricultural workers, as determined through general inquiry, amounts to 1 million Poles, excluding the prisoners of war. In addition, as reported by the Group Labor Allocation, the following foreign workers will be allocated:

30,000 Italians
25,000 Slovaks
12,000 Hungarians
3,000 Dutch

70,000 men compared with approximately 120,000 men in 1939. Aside from those there are 57,000 civilian Poles from all and approximately 320,000 prisoners.

*In contrast to the requested one million Poles there are now only 780,000 Poles scheduled to come in, approximately 700,000 of them from the Government.**

The promise that as of 20 January 1940 there would be run every day eight to ten trains of a thousand men is unfortunately not fulfilled. Rather there are now scheduled to be transported according to the statements by State Secretary Syrup:

Altogether from 29 January to 1 March approximately 400,000 human beings.

In contrast to the original plan to bring by 1 April 700,000 human beings to Germany, it is now only 400,000, and according to the experience made it must be doubted whether even these amounts will be reached by 1 April.

The results of this delay are now that for one thing transportation is bound to last until far into the summer, that is that the workers will come *too late for the spring work;* for the other, great danger exists that fewer Hackfruechte [collective term for beets, potatoes, and like vegetables], especially potatoes, will be planted. When first—because of lack of laborers—the fields have been sown with spring grain, it will no longer be possible to plough them in order to plant potatoes, because there will be no longer time for it.

An aggravating factor is that in the opinion of the Government General the hiring of laborers will be made more difficult or even prevented by the Poles who have been evacuated to the Government General who do not trust the recruiting, but rather advise against going to Germany. The clergy is active in the same direction. Further difficulties will be caused by the collective delousings and vaccinations which have been ordered. On

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* In the German text the term "Gouvernement" alone is often used for "Gouvernement General," the Government General in German occupied Poland under Governor General Hans Frank. The findings of the IMT concerning Governor General Frank appear in Trial of the Major War Criminals, op. cit., volume I, pages 296–298.

the other hand according to the promise of the Transportation Ministry, the allocation of cars seems to be certain.

The conclusions and required steys which follow from this situation are—

a. The Labor Ministry must under all circumstances, at least up to 1 April, actually carry through the scheduled minimum program of 40,000 human beings; as far as possible transportation must be accelerated.

b. If, as it appears likely, there will be, in the Government General, difficulties at the labor recruiting offices in the recruiting of civilian Poles, it will be unavoidable to give the Occupation Army authority and directive *to cause, by force, the necessary number of workers to be transported to Germany.*

c. Since it is no longer possible to use the civilian Poles in time for cultivation, it will be necessary to relieve school children from school attendance, especially for the planting of potatoes, the hoeing of beets and potatoes; the older school children, however, during the entire spring cultivation.

d. Based on a letter of the Reich Food Minister to the Deputy of the Fuehrer, contact has been made with the Deputy of the Fuehrer concerning *large scale use of the Party for spring cultivation.*

e. To give a stimulus (to the local labor forces, agricultural workers and their families as well as wives of workers from neighboring towns, etc.) for the cultivation and harvesting of Hackfruechten, it will be necessary, according to the peacetime custom, to give, in addition to payment for cultivation and harvesting, a certain *bonus in produce.* It is thought here of permission to take without stamps two and one-half pounds of sugar per morgen [0.84 acre] of beets hoed and beets dug; altogether five pounds per morgen.

* * * * * * *

TRANSLATION OF DOCUMENT NG-1190
PROSECUTION EXHIBIT 2603

LETTER FROM THE REICH LABOR MINISTER, FRANZ SELDTE, TO DEFENDANT LAMMERS, 21 MARCH 1940, REPORTING UPON THE GENERAL LABOR SITUATION; THE PLAN OF MAKING 800,000 POLES AVAILABLE FOR GERMAN AGRICULTURE; THE COVERING OF LABOR REQUIREMENTS IN THE MINES BY UTILIZING FOREIGN WORKERS, AND RELATED MATTERS

RK 4974 B 26 March 1940 Berlin SW 11, 21 March 1940
The Reich Labor Minister[1] Saarlandstrasse 92/102
Telephone: 11 00 28

To the Reich Minister and Chief of the
Reich Chancellery, Dr. Lammers, Berlin W 8

[Initial] KR [Kritzinger] 28 March
[Illegible initials]

Dear Dr. Lammers:

As I have already informed you on 31 October 1939, unemployment did not increase to any great extent after the outbreak of the war—in contrast to the development in 1914—thanks to the extensive preparations which were made in the labor allocation field for the Mob case.[2] During the first months of the war, the number of unemployed rose from 62,000 to approximately 120,000 and then slowly increased to 150,000 immediately before Christmas. It was not until January 1940 that the severe frost caused a further increase, since all outside work was stopped, which however, had reached its peak by 7 February of this year with a figure of 261,000. Despite the continuous winter weather, a decrease to 175,000 had already set in by 13 March 1940. Despite the unusually cold winter the increase of unemployment in Greater Germany, from the low during the previous summer to the peak during the following winter of 1939/1940, amounted to only 200,000. Of the 175,000 unemployed on 13 March 1940, consisting of 116,000 men and 59,000 women, only a fraction was fit for full employment or transfer to other professions.

The winter unemployment existing at present must not lead to the deceptive conclusion that German industry does not require a considerable number of workers.

The fact alone, that unemployment rose to a much lesser degree than in previous years despite the unusually severe winter, permits us to assume that the labor allocation situation will become

[1] Throughout the period of the Third Reich Franz Seldte was Reich Minister of Labor. He died in confinement in Nuernberg shortly before the indictment in the Ministries case.

[2] The case of mobilization for war.

extraordinarily tense as soon as outside work is resumed on a broad basis. Therefore exceptional measures will be necessary to meet the demand for workers which are needed for priority work for the defense of the Reich and for the essential needs. The nature of these measures depends largely upon the extent to which industry will be deprived of workers by drafting into the Armed Forces, and further, upon how many workers are released for priority work through the closing down of nonessential industries as ordered recently by the Minister of Economics upon instructions of the Plenipotentiary for the Four Year Plan. This measure by the Reich Minister of Economics is especially important, because it speeds up the process of switching over to essential war work and, at the same time, offers the possibility to dispense with part of the compulsory service in balancing the needs of other districts.

Certain questions, which at present are much in the foreground as far as labor allocation is concerned, shall be discussed in detail.

A. The Effects of Conscription into the Wehrmacht, the Waffen SS, the Police, the Strengthened Protective Police [verstaerkten Polizeischutz], and the Reich Labor Service on Labor Allocation

I.

1. A reshuffling of approximately 2 million men will take place during the months of March to September.

2. This reshuffling will mean the loss of approximately ¾ million men by the civilian sector and the exchange of approximately 1.2 million men between the Wehrmacht and the civilian sector.

3. The loss from the civilian sector will be for the benefit of

a.	The Wehrmacht (new divisions)	200,000 men
	The SS	40,000 men
	The Police	12,000 men
	The Strengthened Protective Police	35,000 men
	The Reich Labor Service	160,000 men
		447,000 men

b. The establishment of reserves for the Wehrmacht until 1 October 1940, 300,000 men. (In addition, the last third of the classes of 1919 and 1920 will be drafted as recruits on 1 October 1940, 400,000).

4. *a.* One million new soldiers must be supplied by the civilian sector to replace 1 million older soldiers who served during the World War. In this connection special attention must be paid

to the fact that the older soldiers may not be released during the training period for the young soldiers.

b. An additional 200,000 men must be drafted from the civilian sector to fill the present or future gaps in the Wehrmacht due to deferments.

II

To cover the requirements stated under I the following will be drafted:

By the Wehrmacht—	
a. Formerly deferred, newly trained soldiers, soldiers (Reserve I)	103,000
b. 1.6 million untrained men of the classes 1912–1911	600,000
(Class of 1910 already drafted) of the class of 1909–1904	1,000,000
By other units—	
(SS, Police, Labor Service)	247,000

III

In contrast to this there are the large scale requirements of plants for additional workers during the coming months which have been examined—

Army munitions program	100,000
Other Army production	30,000
Navy	35,000
Air Force	50,000
Tool machine construction (Lange)	25,000
Railways (locomotive and railway car construction)	17,000
Railways (transportation workers)	70,000
Inland waterways	3,000
Mining	50,000
Four Year Plan—Krauch Plan	60,000
	440,000

Taking various smaller requirements into consideration the total number of needed labor amounts to approximately 0.5 million.

The building industry and agriculture are not included in these figures.

B. Reinforcement of Agricultural Labor Allocation through Employment of Ethnic Polish Workers

To forestall a decline in agricultural production and if possible to increase it, approximately 800,000 ethnic Polish workers from

the Government General and the Incorporated Eastern Territories will be made available to agriculture and especially to small agricultural enterprises under favorable conditions, that is to say at wages below the level paid for comparable German workers. The ground for this measure was laid through careful investigation of the labor requirements, setting up numerous recruiting offices, insuring medical examinations, delousing, and by providing regular transports. The execution of this measure has been made very difficult through the unusually long and severe winter.

Despite this the first transports have already arrived in the reception depots. 107,000 persons were made available to German agriculture between 12 February and 17 March 1940. Prior to this the labor offices had already brought 80,000 Polish agricultural workers into the Reich proper.

C. Labor Allocation in the Armament Industry

The growing labor requirements in the armament industry, especially in the iron and metal industries, and the necessity to cover the losses due to conscriptions into the Wehrmacht necessitates in an ever increasing way the reshuffling of laborers from industries nonessential to the war effort to the armament industry. For example a total of approximately 670,000 workers were placed in new work by the labor offices during January 1940. The extent to which social-political considerations may be respected—as a transfer of workers tied to a particular locality, especially married and older workers, cannot be carried out—will, in future, depend upon the results of the previously mentioned closing-down [of enterprises] action ordered by the Reich Minister of Economics, and will further depend upon the effects of scattering [the distribution of] Wehrmacht orders [contracts] as decreed by the High Command of the Armed Forces some time ago. An approximate picture of the measures that will probably have to be introduced can be gained from the requirements which are stated under *A III*. To cover these requirements, extensive retraining measures have been introduced for those workers who have been released through the closing down of industries not essential to the war effort.

D. Labor Allocation of Women

The gaps which have been created through conscription into the Armed Forces, etc., must to a large extent be filled through the employment of women. This is also to a large extent a social problem. The new regulation covering family support issued in the fall of 1939 not only tended to keep women who receive support from *taking up work*, but has also resulted in the fact that numerous women, who have been granted support through

war marriages, have given up the work which they formerly carried out. At present measures are being prepared through the collaboration of the various offices of the Party and the State to recruit women who are not wholly or only partially bound to the care of their dependents and who are physically fit for employment in essential war industries and for other work in which masculine labor can be replaced by women thus relieving the labor situation. This measure is also to extend to women who have not been employed before. The extensive cooperation of Party offices is intended in the recruitment of women.

E. Labor Allocation in Mining

The mining industry which employed approximately 704,000 laborers in all its branches at the end of November 1939, requires for 1940 an additional number of 50,000 workers as stated under *A III*. These requirements will be covered largely by utilizing workers from the Incorporated Eastern Territories, the Government General and the Protectorate Bohemia and Moravia.

F. Short-time Work [kurzarbeit]*

The limitation of industrial branches which are not essential to the war effort has already gone hand in hand with the expansion of the war economy, especially in various consumer goods industries. The number of part-time workers in these industrial branches which received assistance had risen to 245,000 by the beginning of October 1939. The greater scattering of war orders carried out from then on and the placement of numerous workers in essential war industries brought about a considerable reduction in part-time work. During the first half of February 1940 only 170,000 part-time workers received assistance. Nearly 90 percent of these fell into the category of the textile and clothing industries. A total of 90,000 women were included among the 170,000 short-time workers, whose employment in other industries would naturally cause great difficulties because they are bound to their families and the localities in which they live.

At the end of January 1940, 12.38 million men and 6.71 million women, that is a total of 19.09 million persons, were employed as workers and employees in German industries in the *Reich proper*. Compared to the same period during the previous year, the number of employed persons declined by approximately 1¼ million in the Reich proper. The number of nonemployed declined by 1.52 million.

Since 2.36 million workers and employees were drafted into services with the Armed Forces at the end of January 1940, in the

* The term "Kurzarbeit," as used in German labor law, connotates placing of employees of an enterprise on involuntary reduced shifts.

963402—52——61

Reich proper because of the war, it can be concluded by comparing figures with the previous year that approximately 800,000 of the masculine labor lost by drafting into war service could be replaced through tapping available reserves and by drawing on the rising generation. The number of employed women at the end of January was higher by 272,000 than at the same time during the previous year. In the *entire Reich*, including Austria and the Sudetenland, with the exception of the Eastern Territories, 21.51 million workers and employees were engaged in work at the end of January 1940. Apart from this 2.53 million workers and employees had been drafted into service with the Armed Forces.

I should be pleased if, during a discussion, you would inform the Fuehrer on developments of the labor situation as based on the above statements.

Heil Hitler!

Your obedient

[Signed] FRANZ SELDTE

PARTIAL TRANSLATION OF DOCUMENT NID-15581
PROSECUTION EXHIBIT C-43

EXTRACTS FROM THE REPORT OF THE EIGHTH MEETING OF THE GENERAL COUNCIL, 17 APRIL 1940, CONCERNING A REPORT BY STATE SECRETARY SYRUP ON THE LABOR SITUATION AND NOTING THAT FORCED CONSCRIPTION OF POLES IS NECESSARY DUE TO THE FAILURE OF RECRUITING PROPAGANDA

War Economy

V.P. 6882 Secret

Eighth session of the General Council on 17 April 1940—In the chair, State Secretary Koerner

Present were—

The State Secretaries, Stuckart, Backe, Dr. Syrup, Kleinmann, Alpers, and Neumann

Ambassador Ritter

Under State Secretaries v. Hanneken, v. Jagwitz

[Initial] R [Ritter]

[Handwritten] EISENLOHR

Reich Commissioner for Price Administration Wagner
Major General Thomas
Reich Cabinet Councillor Dr. Willuhn
Ministerial Director Dr. Mansfeld
Brigadier General Gercke
Ministerial Counselor Baermann
Professor Krauch
Reichsamtsleiter Walter

1. The State Secretary Dr. Syrup reports about the situation of the labor utilization. At last 18,000 unemployed persons who are fully fit for work and 110,000 short-time workers were registered, 80,000 of whom belong to the textile and clothing industry.

Agriculture.—Up to the present 260,000 PWs, 80,000 Polish civilians and—through the great propaganda action—207,000 more Polish civilians have been assigned to agriculture. Apart from it, an allocation of 100,000 other foreigners is to be expected.

Owing to the increasing resistance on the part of the Poles the propaganda action in the Government General came to a standstill even after the transportation difficulties were removed. The only thing which can be done is to carry out a forced conscription by calling up certain age classes of Poles. Ambassador Ritter

. will remove the political objections raised by the Foreign Office.* State Secretaries Syrup and Backe will settle the technical questions concerning the carrying-out of these measures and discuss their chances of success, so that by the middle of next week it will be possible to make a final decision. An additional number of 3–400,000 Polish workers are still required for agriculture.

Industry.—At present requests for approximately 500,000 men are still pending (without the building industry). Of this total, 400,000 men are needed by the armament industry alone; 164,000 men at once. In addition to this, the building industry also submitted large orders which, however, cannot be filled to the desired extent.

The shutting-down program is now being executed. However, nothing much is to be expected from this for the allocation of labor. Approximately 150,000 men are involved; however, not all of them are fully fit for work. Exact data is not yet available. From the point of view of labor allocation, there is only an interest in the shutting down of larger enterprises in the areas where there is a shortage and not at all in liquidating innumerable, widely scattered small and tiny enterprises.

In addition to this the *combing out* program is still being pursued which has, so far, netted good results with good prospects for the future. The training and retraining program is pursued vigorously and an *adjustment on a national* basis will be attained in spite of increasing difficulties.

As a last resort we may fall back on the reserves represented by the women. State Secretary Syrup presents his draft of a decree which is approved, after a lengthy discussion, on condition that women taking care of their families (children, husband, etc.) are to be exempted at first from the requirement to report. Special measures must be taken in regard to agriculture. It is being considered to draw up a special decree [musterverordnung] to serve as a pattern for the Reich Governors and the Provincial Presidents to provide them with the possibility for a decentralized solution of the problems arising in this connection.

Ministerial Director Dr. Mansfeld reports on the wishes expressed by the German Labor Front in regard to *new wage standards for women.* This matter, which is of particularly fundamental and practical significance, is to be discussed still further by the interested parties. Major General Thomas requests to be included in the discussions, and that the Minister for Ammunition be consulted.

---

* Defendant Ritter, among other positions, acted as liaison officer between Foreign Minister von Ribbentrop and Keitel, the Chief of the High Command of the German Armed Forces.

State Secretary Stuckart is going to investigate the question of lengthening the working *time for officials* and will report on this in the near future.

DR. GRAMSCH

Distribution:

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Neumann	1 copy
Reinhardt	1 copy
Landfried	1 copy
Backe	1 copy
Syrup	1 copy
Kleinmann	1 copy
Alpers	1 copy
Stuckart	1 copy
Under State Secretary von Hanneken	1 copy
Reich Cabinet Councillor Dr. Willuhn	1 copy
Brigadier General Gercke	1 copy
Colonel Huehnermann	1 copy
Ambassador Ritter	1 copy
Minister Schnurre	1 copy
Professor Krauch	1 copy
Reich Commissioner for Coal, Walter	1 copy
Ministerial Dirigent Brebeck	1 copy
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SS Major General Heydrich	1 copy
General von Schell	1 copy
State Councillor Dr. Gritzbach	3 copies
	26 copies
Additional copies	9
	35 copies

* * * * * * *

TRANSLATION OF DOCUMENT NI-3746
PROSECUTION EXHIBIT 1849

LETTER FROM DEFENDANT KOERNER TO STATE SECRETARY SYRUP, 2 SEPTEMBER 1941, CONCERNING DISCUSSIONS OF HITLER AND GOERING ON EMPLOYMENT OF RUSSIAN PRISONERS OF WAR IN GERMAN PLANTS, AND REQUESTING 10,000 PRISONERS FOR THE HERMANN GOERING WORKS IN THE EVENT THE PROPOSITION IS APPROVED

The Reich Marshal of the Greater German Reich
Plenipotentiary for the Four Year Plan
The State Secretary

R. W. 1833

Berlin W 8, 2 September 1941
Leipziger Strasse 8
Telephone 12 6641

Dear Herr Syrup!

We have recently conferred about the allocation of Russian prisoners of war to German plants. The Reich Marshal will probably talk once more to the Fuehrer, whether the number of Russian prisoners of war to be brought to Germany cannot be increased in view of the labor situation. In case the Fuehrer agrees with this proposition, I wish to direct your attention already now, to the urgent requirements of the Reich Works for Mining and Steel Enterprises "Hermann Goering" Inc. [Reichswerke A.G. fuer Berg-und Huettenbetriebe "Hermann Goering"],[1] and request you to provide the grant—altogether 10,000 Russian prisoners of war for 3 large-scale building projects of the concern at Salzgitter-Watenstedt, Linz, and Bruex. The possibility of separate work and separate billeting of the prisoners exists at all 3 construction sites. After the request has been granted as a whole, the Hermann Goering Works would submit to you the statement in detail.

Heil Hitler!

Yours,

Signed: KOERNER[2]

To State Secretary, Dr. Syrup, in the Reich Ministry of Labor.

[1] Reich Works for Mining and Steel Enterprises "Hermann Goering," Inc. refers to the most important of the three groups of the Hermann Goering Works: Mining and Steel; Armaments & Machinery; and Inland Waterways Shipping. Throughout the trial the term "Hermann Goering Works" (HGW) was frequently used to refer to any one or to all those groups.

[2] In addition to his position in the Four Year Plan as such, defendant Koerner was chairman of the Supervisory Board (Aufsichtsrat) of the Hermann Goering Works.

TRANSLATION OF DOCUMENT EC–75
PROSECUTION EXHIBIT 1944

FILE NOTE OF THE ARMAMENT OFFICE ON A TELEPHONE CONVERSATION WITH DEFENDANT PLEIGER ON 19 SEPTEMBER 1941, CONCERNING POLICY AND PRACTICE IN THE EMPLOYMENT OF MINERS FROM GERMAN-OCCUPIED RUSSIAN TERRITORY

Rue [Armament] (IVd) [Handwritten] Vol. FR 105 III B 5 b

20 September 1941

Note

Subject: Recruiting Ukrainian workers from the district of Krivoi-Rog

In the course of a telephone conversation on 19 September, 1115, Herr Pleiger thought it necessary to discuss the various questions already in the first letter to the Reich Minister of Labor. Paying the German wage scale would adversely influence wage levels in the Donets Basin and in Krivoi-Rog from the beginning. Herr Pleiger contended it would be better not to recruit these workers, but simply to order them to work [abkommandieren] and to give them, besides their food, pocket money and an allowance to their dependents. Moreover, Herr Pleiger referred to the necessity to avoid from the beginning a clashing with the interests of other employees.

In an oral discussion between Dr. von Carlowitz* (referred to by Herr Pleiger) and Dr. Menger, the impossibility of continuing to hire workers on the basis heretofore customary in the occupied territories had been discussed. The following proposal in regard to a method of procedure was being discussed: The workers are to be recruited by military area headquarters (IV Wi) [Economic Section] under the supervision of the Commander of the Army Group Rear Area in cooperation with the Economic Inspector. After the Economic Inspectors once had ascertained how many workers are available and how many would be needed locally to operate those mines which are still in good working condition, the result thus determined should, by taking into account the requirements calculated by the Reich Ministry of Labor in connection with the Reich Association Coal, furnish the basis for recruiting figures. Actual recruiting should be carried out by the military area headquarters; transportation

* Dr. Adolf von Carlowitz was an assistant of defendant Pleiger from the foundation of the Hermann Goering Works in 1938 until the end of the war. In addition to holding positions in the administration of the Hermann Goering Works, he sometimes acted as deputy to defendant Pleiger in Pleiger's functions in both the Hermann Goerings Works and the Reich Association Coal. Dr. Carlowitz appeared as a defense witness. His testimony is recorded in mimeographed transcript, 31 July, 2, 3 August, 21 October 1948; pages 14355–14373, 14471–14547, 14651–14674, and 26432–26441.

and feeding as far as the Reich border should be organized by the German economic organization in cooperation with the Chief of Transportation and the competent military rations supply offices.

To this end a discussion was arranged with the Reich Ministry of Labor and the Reich Association Coal, to be held on 23 September 1941, at 1000, at the Military Economics and Armament Office.

[Illegible initials]
23 September

PARTIAL TRANSLATION OF DOCUMENT NI–460
PROSECUTION EXHIBIT 1945

EXTRACTS FROM THE MINUTES OF A MEETING IN THE REICH MINISTRY OF LABOR, 24 SEPTEMBER 1941, CONCERNING THE ALLOCATION OF LABOR TO GERMANY FROM GERMAN-OCCUPIED EASTERN EUROPE

Minutes of the Meeting on 24 September 1941

Subject: Labor allocation of workers from the occupied Russian territories to Germany

The Reich Labor Minister with a letter of 11 September requested the Reich Marshal and Plenipotentiary of the Four Year Plan to approve generally of the fact that miners for the German coal and ore mining industry would be hired at the ore mining fields of Krivoi-Rog. Director General Pleiger of the Reich Association Coal had at the same time submitted a similar request to the Reich Marshal following a journey through this territory. It appeared appropriate to invite immediately all Reich offices and Party offices concerned to the Reich Labor Ministry in order to discuss the entire problem. This discussion took place on 24 September 1941, at 1530 hours under the chairmanship of Department Chief Ministerial Counselor Dr. Timm.

The discussion proceeded as follows:

Department Chief Dr. Timm pointed out in short, as an introduction, the most difficult situation of the labor allocation problem and the extensive requirements of workers for war work, which made it necessary to assign any available reserves of laborers. It would, therefore, be necessary to investigate to what extent laborers from the occupied Russian territories could be used. The Reich Labor Ministry had, therefore, already approached the Reich Marshal with a letter dated 11 September 1941, especially in connection with the release of laborers from

Krivoi-Rog for the mining industry. But also the possibility of hiring workers from the Baltic countries and other new Russian territories should be investigated. The Reich Marshal has already approved to a certain extent of the hiring of metal workers from the Baltic countries for the armament of the Air Force. The Reich Minister for Transportation has pointed out the possibility of withdrawing trained transportation personnel from the vicinity of Wilno, where allegedly about 5,000 such workers would be available. Purpose of today's conference is therefore the discussion between the departments concerned and Party offices about the entire problem and to request all offices concerned to support this action to the utmost and to render decisions as soon as possible.

Senior Government Counselor Dr. Schmidt of the Office of the Plenipotentiary for the Four Year Plan made it known that the question has been submitted to the Reich Marshal who had decided that first of all agencies concerned should state their opinion before he renders his final decision as to whether laborers from the above named territories could be released for the mining industry, the armament industry, and the transportation sector.

The undersigned subsequently discussed the details under consideration.

1. Referring to the *extent of the recruitment,* the Reich Ministry for Labor suggests that at first the recruitment be limited basically to the *new Russian* territories (Baltic countries and the Russian part of the former Polish State). The recruitment within the territory around Lvov (Ukrainian Galicia), newly incorporated into the Government General, has already been approved by the Reich Leader SS and Chief of the German Police and is presently going on. The recruitment in the old Russian territories should be going on. The recruitment in the old Russian territories should be carried out only insofar as the recruitment possibilities in the new Russian territory have been exhausted or where specialized labor—for example, miners—is concerned which is not available in the new Russian territory. Furthermore the recruitment in the old Russian territory should at first be limited principally to the Ukraine. Personnel should only be recruited to cover the requirements absolutely necessary to the war effort; that is for mining, armament industries and the transportation sector. The Reich Ministry of Labor does not intend to permit the recruitment to start to any great extent, but wants to collect experiences first. A too intensive recruitment would be out of the question in any case because of the numerous technical difficulties.

2. As far as technical procedure of the recruitment is concerned the following is to be said:

a. Allocation only in closed groups and by voluntary enlistment. [Der Einsatz erfolgt grundsaetzlich nur geschlossen und in Form der freiwilligen Werbung]

b. Registration and *recruitment* through the labor allocation offices of the occupied territories reinforced by agents of the Reich Ministry of Labor.

c. Medical examination and *decontamination*—carried out twice in accordance with the regulations of the Reich Minister of the Interior—must be ensured. The Reich Ministry of Labor requests the support of the OKW if necessary in making troop physicians and decontamination equipment available.

d. The following *ethnical groups* are concerned: Lithuanians, Estonians, Latvians, Ukrainians, and Poles. The first four groups mentioned should be treated like all other foreign workers; for the Poles, the decrees concerning the Poles are to be applied. This question should be decided upon by the Reich Leader SS as soon as possible; at the same time he is requested to investigate how the determination of the ethnical groups to which the laborers belong should be carried out in the different recruiting areas. The designation of the ethnical groups could be marked on the transportation orders just as it was done during the Ukrainian-Galician recruiting drive.

* * * * * * *

Lieutenant Colonel Dr. Krull, of the High Command of the Armed Forces Military Economic and Armament Office, points out the fact that objections based on the activities of the partisans could not very well be decisive since those would also have to be considered in the new Russian territories. He declares that the High Command of the Armed Forces considers the allocation of miners as most urgent and, therefore, recommends the recruiting drive in Krivoi-Rog.

Herr von Carlowitz of the Reich Association Coal also requests that the recruiting drive for miners be started as soon as at all possible. Based upon personal experiences while traveling within the territories of Krivoi-Rog, he believes that there are at least 10 to 12,000 miners available. Just the quickest possible removal of the unemployed miners is in the interest of policy and police, since otherwise they would become victims of enemy propaganda at home.

* * * * * * *

Ministerial Counselor Dr. Timm summarizes, that certain counts of the discussion, particularly in the question of trans-

portation, have led to a basic understanding. He requests that the remaining questions be speeded up, mainly the decision of the Reich Leader SS, upon which the carrying out of the action mainly depends. The individual questions which have already been touched will be discussed in special meetings with the authorities concerned.

Since the recruiting of miners in Krivoi-Rog is particularly urgent, this question should be further investigated by local conferences in Krivoi-Rog and Lvov.

The members of the Reich Association Coal requested that no meetings be called in the Krivoi-Rog matter before the 29th of this month, because they will be away on duty until that date.

Signed: DR. LETSCH
26 September 1941

PARTIAL TRANSLATION OF DOCUMENT NID-13880
PROSECUTION EXHIBIT 2188

DECREE SIGNED BY DEFENDANT KOERNER CONCERNING THE EMPLOYMENT OF JEWS IN GERMANY AND THE INCORPORATED EASTERN TERRITORIES, 3 OCTOBER 1941

1941 REICHSGESETZBLATT, PART I, PAGE 675

Decree Concerning the Employment of Jews, 3 October 1941

In pursuance of the Ordinance of 18 October 1936 (Reich Law Gazette I, p. 887), for implementation of the Four Year Plan it is ordered as follows:

Article 1

Jews who have been allocated to labor are subject to conditions of employment of a special nature.

Article 2

The Reich Minister of Labor is authorized to issue rules governing the conditions of employment pertaining to Jews in agreement with the Chief of the Party Chancellery and the Reich Minister of the Interior.

Article 3

This ordinance will also be in force in the Incorporated Eastern Territories.

It will be effective on the day of its promulgation.

Berlin, 3 October 1941

The Plenipotentiary for the Four Year Plan
AS DEPUTY:

KOERNER

TRANSLATION OF DOCUMENT NI-5626
PROSECUTION EXHIBIT 1850

LETTER FROM MEINBERG, OFFICIAL OF THE HERMANN GOERING WORKS, TO STATE SECRETARY SYRUP OF THE REICH MINISTRY OF LABOR, 17 OCTOBER 1941, RECOMMENDING THE CONSCRIPTION OF LABOR IN CZECHOSLOVAKIA

State Councillor Meinberg

Herr State Secretary Dr. Syrup
Reich Ministry of Labor
Berlin SW 11
Saarlandstr. 96 222 Gf Dr. R11/No. 17 October 1941

Dear State Secretary:

It was for me of the greatest importance to learn, in regard to the supply of labor for our concerns, especially the Sudetenlaendische Bergbau A.G. and the Sudetenlaendische Treibstoffwerke A.G., that the obstacles for employment of Czechs from the Protectorate in the Sudeten Gau have been eliminated in the meantime. By way of information from our companies and also from the regional labor office in Reichenberg, I learned that renewed recruiting actions have led to the discovery of large reserves of manpower. Nevertheless, on account of the political situation, the recruiting of labor for service in the Reich is said to face most severe difficulties.

This circumstance and the acute need of our companies in the Sudeten Gau induce me to suggest that the introduction of the conscription of labor, which has already been planned by you, should be put into effect immediately. I am inclined to assume that, in view of the development of the political direction in the Protectorate, no further hesitations should stand in the way of a more drastic procurement method. A further deterioration of the morale of the Czechs, if such measures were taken, would hardly carry much weight.

I am especially interested in this problem at the moment, because I have an order from our Sudetenlaendische Bergbau A.G. for 1500 Czechs on hand, which demand has been sent on by the gentlemen of your office, to the Reich Protector in Prague.

I remain, with kind regards and

Heil Hitler!
Yours very truly,
[Signed] MEINBERG

TRANSLATION OF DOCUMENT NG-1179
PROSECUTION EXHIBIT 2604

LETTER FROM DEFENDANT LAMMERS TO REICH LEADER MARTIN BORMANN, CHIEF OF THE PARTY CHANCELLERY, 31 OCTOBER 1941, CONCERNING THE AUTHORITY OF THE REICH MINISTER OF LABOR AND SUGGESTING WRITTEN CONCURRENCE BY BORMANN

Copy for the files
The Reich Minister and Chief of the Reich Chancellery
Rk. 15096 B

[Handwritten] Krieg 21
Berlin, 31 October 1941
At present at Fuehrer Headquarters

To the Chief of the Party Chancellery, Herr Reichsleiter Bormann

Subject: Employment of foreign workers
Your letter of 15 October 1941.

Dear Herr Bormann!

I agree with your opinion that it should be avoided to add one more office to the number now concerned with questions of the employment of labor. If the necessity of the consolidation of the employment of foreigners is being justified to you on account of the actual waste of effort in this field, then I am of the opinion that such a condition cannot be corrected by setting up another office of sectional scope, and thus dividing organizationally what belongs together organically. Considering the importance attached to the question of the employment of labor, I agree with you and hold it appropriate and necessary that the Reich Minister of Labor should retain a decisive influence on these matters. As you correctly point out, this is necessary if only because foreign workers cannot be employed entirely outside the existing national labor legislation. It appears specially appropriate from the viewpoint of the suggested reform of labor legislation that the Reich Minister of Labor should retain in this field his authority to establish legal regulation [Rechtsetzungskompetenz] and that his legislative power should not unnecessarily be rendered more difficult by dividing its competency. Finally, the saving of manpower is just now of special importance, and for this reason the Reich Minister of Labor should be left in charge of this task, since he has at his disposal a smooth-running machine which possesses the necessary experience in technical and legislative matters. The establishment of new offices which take over a subdivision of an entire field of activities originally concentrated under one hand, creates un-

avoidably—as experience has proved—a duplication of work, and consequently, a greater need for employees. Furthermore, the question of the employment of foreigners within the frame of the Four Year Plan plays a not unimportant part, and it is inseparably connected with the employment of German labor. In view of this, it would in my opinion not be quite expedient to interfere—by making a change in the legislative authority—in a field in which, as I am inclined to assume, the Reich Marshal, as Plenipotentiary for the Four Year Plan, takes a special interest.

Therefore, I should like to express the opinion that it should be left to the Reich Minister of Labor, as the central authority responsible for the direction of the employment of labor, to order the necessary measures and also to examine the question, in what organizational manner he thinks it appropriate to solve the special problem of the employment of foreign workers. The question of the necessary indoctrination and police supervision of the foreigners, (which, in my opinion, is independent of the organizational regulation), can, to my way of understanding, be settled at the same time.

In conclusion, I want to express my thanks to you, because, by making the appropriate reference, you have supported my constant endeavors to procure in a matter for the persons concerned the opportunity to state their opinion before the Fuehrer decides an issue. Such prior hearing of all persons concerned is not only necessary at all times in the interest of the issue at hand, but also requisite to prevent that decisions which are inadequate, or not fully reflected upon, be submitted to the Fuehrer for execution.

If you concur with my statements, then I would appreciate a letter to that effect, in order that I then may be able to send to the Reich Minister of Labor a communication and cause him to put the necessary measures in operation.

Heil Hitler!

Sincerely yours,

Signed: DR. LAMMERS

TRANSLATION OF DOCUMENT 1666-PS[1]
PROSECUTION EXHIBIT 2605

(*Also* DOCUMENT KOERNER 131
KOERNER DEFENSE EXHIBIT 360)

FUEHRER DECREE, 21 MARCH 1942, SIGNED BY HITLER, DEFENDANT LAMMERS, AND KEITEL, CONCERNING THE APPOINTMENT OF SAUCKEL AS PLENIPOTENTIARY GENERAL FOR LABOR ALLOCATION, AND GOERING'S ORDER, 27 MARCH 1942, CONCERNING SAUCKEL'S FUNCTIONS

Decree of the Fuehrer concerning a Plenipotentiary General for Labor Allocation, 21 March 1942

1942 REICHSGESETZBLATT, PART I, PAGE 179

In order to secure the manpower requisite for the war industries as a whole, and particularly for armaments, it is necessary that the utilization of all available manpower, including that of workers recruited [angeworben] abroad and of prisoners of war, should be subject to a uniform control, directed in a manner appropriate to the requirements of war industry, and further, that all still incompletely utilized manpower in the Greater German Reich, including the Protectorate, and in the Government General, and in the occupied territories, should be mobilized.

Reich Governor and Gauleiter Fritz Sauckel will carry out this task within the framework of the Four Year Plan as Plenipotentiary General for Labor Allocation [Generalbevollmaechtigter fuer den Arbeitseinsatz].[2] In that capacity he will be directly responsible to the Plenipotentiary for the Four Year Plan.

Division III (wages) and Division V (allocation of labor) of the Reich Labor Ministry, together with their subordinate authorities, will be placed at the disposal of the Plenipotentiary General for the accomplishment of his task.

Fuehrer Headquarters, 21 March 1942

The Fuehrer
ADOLF HITLER

The Reich Minister and Chief of the Reich Chancellery
DR. LAMMERS

The Chief of the High Command of the Armed Forces
KEITEL

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[1] Document 1666-PS (also introduced in this case as Pros. Ex. 2189) was introduced in the IMT trial as Exhibit 208-USA, and the German text appears in Trial of the Major War Criminals, op. cit., volume XXVII, pages 432 and 433.

[2] The findings of the IMT concerning Sauckel appear in Trial of the Major War Criminals, op. cit., volume I, pages 320-322. Sauckel's title was also translated frequently as "Plenipotentiary General for the Utilization of Labor."

Order on the execution of the Fuehrer decree concerning a Plenipotentiary General for Labor Allocation, 27 March 1942

In pursuance of the Fuehrer's decree of 21 March 1942 (Reich Law Gazette I, p. 179), I decree as follows:

1. My Groups Labor Allocation are hereby abolished (circular letter of 22 October 1936/St.M.Dev. 265). Their duties (recruitment and allocation of manpower, regulation of labor conditions) are taken over by the Plenipotentiary General for Labor Allocation, who is directly subordinate to me.

2. The Plenipotentiary General for Labor Allocation will be responsible for regulating the conditions of labor (wage policy) employed in the Reich territory, having regard to the requirements of labor allocation.

3. The Plenipotentiary General for Labor Allocation is an organ of the Four Year Plan. In cases where new legislation is required, or existing laws require to be modified, he will submit appropriate proposals to me.

4. The Plenipotentiary General for Labor Allocation will have at his disposal for the performance of his task the right delegated to me by the Fuehrer for issuing instructions to the Supreme Reich Authorities, their subordinate agencies and the agencies of the Party and its affiliations, and also the Reich Protector, the Governor General, the Military Commanders, and heads of the civil administrations.

In the case of ordinances and instructions of fundamental importance a report is to be submitted to me in advance.

Berlin, 27 March 1942

The Plenipotentiary for the Four Year Plan
GOERING
Reich Marshal

PARTIAL TRANSLATION OF DOCUMENT NOKW–244
PROSECUTION EXHIBIT 2014

GOERING DECREE OF 22 APRIL 1942, ESTABLISHING THE CENTRAL PLANNING BOARD AND APPOINTING SPEER, MILCH, AND DEFENDANT KOERNER AS ITS MEMBERS

Berlin W 8, 22 April 1942
Leipzigerstr. 3

The Reich Marshal of the Greater German Reich
President of the Counsel of Ministers
for the Defense of the Reich and Plenipotentiary
for the Four Year Plan
V.P. 6707 g.

Decree pertaining to "Central Planning" in the Four Year Plan

In order to secure priority for rearmament as ordered by the Fuehrer and to consolidate all demands made on the entire economic structure during the war and also to provide an adjustment for nutritional security and for the potentialities of industry, that is, with respect to raw materials and production, I decree:

1. A "Central Planning" will be established within the framework of the Four Year Plan. It will be under my immediate command.

2. Reich Minister Speer, Field Marshal Milch, and State Secretary Koerner, together, will take over the control of the "Central Planning."

3. The "Central Planning" will encompass the entire economic structure and has among others the following tasks:

a. Decision as to the necessity of executing new projects or the continuation of existing projects.

b. Decision in the creation of new or the extension of existing plants which produce raw materials.

c. The distribution of available raw materials particularly iron and metal to all those submitting requests [Bedarfstraeger].

d. The use of coal and energy in production.

e. The allotment of the requests of the entire economy to the transportation organization.

4. Insofar as in individual cases I have not reserved the power of decision for myself, the "Central Planning" will make the final decision on its own authority by virtue of the powers vested in me.

5. The "Central Planning" will issue the necessary directives for the completion of projects.

953402—52——62

6. The powers given in my decree of 1 March 1942—V.P. 4366 to the Plenipotentiary for Armament Tasks in the Four Year Plan are not affected by this decree.

Signed: GOERING

PARTIAL TRANSLATION OF DOCUMENT R-124*
PROSECUTION EXHIBIT 2273

EXTRACTS FROM THE NOTES OF MINISTERIAL COUNSELOR VON NORMANN ON THE "RESULTS" OF THE FIRST MEETING OF THE CENTRAL PLANNING BOARD, 27 APRIL 1942

Secret

Berlin, 27 April 1942

"Central Planning Board" in the Four Year Plan

1. Conference

Subjects: Placement of orders; Iron (quota); Iron (Reich Association); Upper Silesia (new order); Protectorate; Change of Place (enemy action); Central Planning Board (in general)

Secret Berlin, 27 April 1942

"Central Planning Board" in the Four Year Plan

1. Conference

Present: The three members—
Reich Minister Speer
Field Marshal Milch
State Secretary Koerner
Others: State Secretary Dr. Schulze-Fielitz, Mun-Min [Reich Ministry for Arms and Munition].
Ministerial Counselor von Normann, Four Year Plan.

Results

I. The Central Planning Board within the Four Year Plan (Order of the Reich Marshal of the Greater German Reich of 22 April 1942—V.P. 6707) is a task of leadership. It is only concerned with principal and superior matters. It gives definite decisions and controls the execution of its orders. The Central

* Document R-124 was composed of numerous items from files concerning the Central Planning Board, but principally this document of several thousand pages contained the minutes of the numerous meetings of the Board. These minutes were prepared by the recorder, Wilhelm Steffler, a Ministerial Councillor in the Prussian State Ministry and in the Four Year Plan, who was on the staff of defendant Koerner. During the interrogations made in connection with the IMT trial, defendant Speer gave information which led to the discovery of the minutes and other materials contained in Document R-124. Parts of this document were introduced in a number of the war crimes trials at Nuernberg. In the Ministries case, a number of the parts of the document were introduced at different times and with different exhibit numbers, and a number of extracts from these exhibits are reproduced hereinafter. Extracts from the minutes of the Central Planning Board may also be found in volumes of this series pertaining to other cases, including volume II, the Milch case; volume VI, the Flick case; volumes VII and VIII, the I.G. Farben case; and volume IX, the Krupp case. In the IMT trial, parts of Document R-124 were introduced in evidence as Exhibit USA-179 and Exhibit RF-30. The German text of these parts appears in Trial of the Major War Criminals, op. cit., volume XXXVIII, pages 336-362.

Planning Board is not concerned [with] anonymous institutions which are difficult to supervise, but with fully responsible individual persons who are free to choose their own method of work and collaborators, so far as there are no directives given by the Central Planning Board.

II. Discussion of the *iron position.**

* * * * * * *

c. The *iron-producing industry* will be comprised in a *Reich Association Iron.* It should be soon formed and as fast as possible made working. The formation of temporary organization in the meantime (Planning Group Iron) will, therefore, be dropped. The task of the Reich Association ends with the production and before the allocation of iron (distribution).

d. As *Chairman of the Reich Association* are suggested Director General Voegler and Geheimrat Roechling. The proposal is for Roechling, whose appointment would be approved by the Fuehrer according to Reich Minister Speer. State Secretary Koerner will submit the proposal to the Reich Marshal.

* * * * * * *

IV. The *incorporation of the Protectorate* into the potentialities of the German total economy must be regarded as capable of increase. State Secretary Koerner will order the investigation.

V. *Enemy actions* can cause *changes of place* of decisive productions. Number, situation and capacity of the producing plant suitable for a transfer of place must be ascertained in advance. The making of suitable plans should be centered on General Thomas.

VI. *Next meeting*—Monday, 4 May 1942, 3 p.m.

Signed: VON NORMANN

Distribution:

Reich Minister Speer	2
Field Marshal Milch	2
State Secretary Koerner	2
State Secretary Dr. Schulze-Fielitz	1
Ministerial Counselor von Normann	1

* This document also included minutes of the first meeting of the Central Planning Board made by Dr. Goerner, which deal entirely with that aspect of the meeting concerned with iron and steel quotas.

TRANSLATION OF DOCUMENT NO-1913
PROSECUTION EXHIBIT 1891

TELEGRAM FROM SS LIEUTENANT GENERAL KARL WOLFF, CHIEF OF HIMMLER'S PERSONAL STAFF, TO SS LIEUTENANT GENERAL POHL, 22 JULY 1942, CONCERNING DEFENDANT PLEIGER'S PROPOSAL FOR A JOINT SLAG OPERATION BY THE HERMANN GOERING WORKS AND THE SS

The Reich Leader SS and Chief of the German Police
Budget and Construction Main Office
Berlin-Lichterfelde 1, Unter den Eichen 127

[Stamp]

HGWD No. 7289 22 July 1942 0837 —BR—

Received
Day Month Year Time
[Handwritten] By H' Chief

Teletype

[Handwritten] 3285

[Handwritten] 22 July 9:25

[Illegible initials]

To The Chief of The SS Economic and Administrative Main Office
SS Lieutenant General Pohl, Berlin

[Handwritten] 22 July 1600

Dear Oswald:

Director General Pleiger for the Hermann Goering Works, Berlin, wants to use, together with us, the entire slag output of the Hermann Goering Works in Linz for moulding clinker bricks, etc., by detainees [Haeftlinge] and to give us a 50 percent share in this enterprise supposed to be very lucrative, according to Pleiger's promise to me of 19 July 1942. The Reich Leader SS asks you to contact immediately Director General Pleiger and, if possible, to take up with him direct all necessary preparatory discussions. Pleiger will probably visit the Reich Leader SS toward the end of this week. It would be good if by then you would have seen Pleiger himself and discussed and cleared up the necessary matters with him or, if need be, with SS Major General Meinberg.

Heil Hitler—Yours
Signed: KARL WOLFF

Fuehrer Headquarters
08.45 One Mue SS Main
Economic and Administrative Office, Berlin

PARTIAL TRANSLATION OF DOCUMENT NG–1952
PROSECUTION EXHIBIT 2609

LETTER FROM DEFENDANT KOERNER TO THE REICH DEFENSE COUNCIL, FOR THE ATTENTION OF DEFENDANT LAMMERS, 11 JUNE 1942, TRANSMITTING AND COMMENTING UPON DRAFT REGULATIONS ON THE LABOR CONDITIONS FOR WORKERS FROM THE EASTERN OCCUPIED TERRITORIES

RK 8411B 12 June 1942 [Handwritten] Kil-Bol-v. Stutt
[Handwritten] 100 1 enclosure 2x55, in the Chancellery

Berlin W8, 11 June 1942
Leipziger Strasse 3

The Reich Marshal of Greater Germany
Plenipotentiary for the Four Years Plan
V.P. 10245/2/3

Express letter

[Illegible initials]
[Illegible initials] 11 June

Subject: Labor conditions for workers from the Occupied Eastern Territories.

I am forwarding the attached regulations concerning the conditions for employment of the Eastern workers, which were sent to me by the Plenipotentiary General for Labor Allocation, with the request for speedy action. The contents of the regulations are the result of a number of conferences which the Plenipotentiary General for Labor Allocation held with the Ministers concerned. The Reich Ministers concerned approved the draft for this decree.

Conditions in the armament industry and in agriculture demand immediate action on this draft. The present regulations concerning conditions for the employment of Eastern workers have proved impractical. The speedy assignment of the Eastern workers, which has become imperative through conditions in the armament industry, would be endangered unless present conditions are replaced, without delay, with those provided in the decree.

These special reasons justify the war priority [Kriegsnotwendigkeit] of this decree.

I request to bring about the decision of the Council of Ministers for the Reich Defense. Since action will have to be taken as quickly as possible, I request to reduce the period of circulation to five days.

I enclose 55 copies of the law and of this letter.

AS DEPUTY: [Signed] KOERNER

Certified [Signed] SCHWINGE

Ministerial Registrar

To the Reich Defense Council

Attention of the Reich Minister and

Chief of the Reich Chancellery

[Form stamp, with handwritten entries]

1. For the agenda of the meeting of the Reich Defense Council—Matter to be decided 19 June 1942 (17 June 1942)
2. To be distributed
3. II Ministerial Counselor Ostertag
4. [Illegible] Ministerial Counselor Ostertag, 18 June 1942

[Handwritten note] Re 2, distributed, 12 June

[Illegible initials]

[Extracts from the draft decree]

To

III b 11553/42

Decree concerning Conditions for Employment of Eastern Workers of____June 1942

The Reich Defense Council decrees the following with the force of law:

Article I—Definition of the Eastern Worker

Section I

Eastern workers are those workers of non-German nationality who were registered in the Reich Commissariat Ukraine, the General Commissariat White Ruthenia, or territories bordering in the East on those territories, and the former free states of Latvia and Estonia, and were brought into the German Reich including the Protectorate of Bohemia and Moravia, after the occupation through the German Armed Forces and are to be employed here.

Article II—Conditions of Employment

Section 2—General Conditions

The Eastern workers employed in the Reich have special working conditions. The German regulations for labor and labor protection are to be applied to them only insofar as this [is] especially decreed.

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TRANSLATION OF DOCUMENT 1903-PS[1]
PROSECUTION EXHIBIT 2607

FUEHRER DECREE EXTENDING SAUCKEL'S AUTHORITY AS PLENIPOTENTIARY GENERAL FOR LABOR ALLOCATION, 30 SEPTEMBER 1942, SIGNED BY HITLER, DEFENDANT LAMMERS, AND KEITEL

Decree of the Fuehrer for the execution of the decree concerning a Plenipotentiary General for Labor Allocation

In the following there is made known the decree of the Fuehrer on the extension of the authority of the Plenipotentiary General for Labor Allocation:[2]

"Decree of the Fuehrer for the execution of the decree concerning a Plenipotentiary General for Labor Allocation of 30 September 1942.

"I herewith authorize the Plenipotentiary General for Labor Allocation, Reich Governor and Gauleiter Fritz Sauckel, to take all necessary measures for the enforcement of my decree referring to a Plenipotentiary General for Labor Allocation of 21 March 1942 (Reich Law Gazette I, p. 179) according to his own judgment, in the Greater German Reich, in the Protectorate, and in the Government General, as well as in the occupied territories, *measures which will safeguard under all circumstances the regulated allocation of labor for the German war economy.* For this purpose he may appoint commissioners to the agencies of the military and civilian administration. These are subordinated directly to the Plenipotentiary General for Labor Allocation. In order to carry out their tasks, they are entitled to issue directives to the competent military and civilian authorities in charge of the labor allocation and of wage-policy.

"More detailed directives will be issued by the Plenipotentiary General for Labor Allocation."

Fuehrer Headquarters, 30 September 1942

Signed: The Fuehrer
ADOLF HITLER

The Reich Minister and Chief of the Reich Chancellery
Signed: DR. LAMMERS

The Chief of the German High Command
Signed: KEITEL

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[1] This document was introduced in the IMT trial as Exhibit USA-206 and the German text appears in Trial of the Major War Criminals, op. cit., volume XXIX, pages 93 and 94.

[2] This document was taken from a publication of the Nazi Party Chancellery entitled "Decrees, Directives, Announcements" (Verfuegungen, Anordnungen, Bekanntgaben), volume II, page 510, edited by the Party Chancellery, published by Zentralverlag der NSDAP, Frz. Eher Nachf. GmbH., Muenchen. The introduction to this collection of regulations states that it is "only for internal Party work and is to be treated as secret."

PARTIAL TRANSLATION OF DOCUMENT R-124
PROSECUTION EXHIBIT 2261

LETTER FROM WALTHER SCHIEBER* TO VARIOUS REICH AGENCIES, 20 OCTOBER 1942, TRANSMITTING COPIES OF THE STATUTES OF THE CENTRAL PLANNING BOARD OF 20 OCTOBER 1942

The Plenipotentiary for the Four Year Plan
Central Planning Board — Berlin, 20 October 1942
Z.P. 1

Enclosed I send you, for your information, the statutes of the Central Planning Board with the request to support the office of the "Central Planning Board" in every possible way in its work, and to direct, more particularly, your section chiefs and reporters to forward all information requested orally or by writing, in the shortest possible time. By this collaboration of your section chiefs and reporters, the building up of larger machinery in the framework of the "Central Planning Board" is to be avoided.

BY ORDER: — Signed: WALTHER SCHIEBER
Certified — [Signed] SCHWINGE
[Stamp] — Ministerial Registrar

The Plenipotentiary for the Four Year Plan
Distribution to—

a. Supreme Reich Authorities
b. Reich Protector
c. Governor General
d. Executive Authorities in the Occupied Territories

Statutes of the Central Planning Board

1. The Central Planning Board, created by the Fuehrer and the Reich Marshal in order to unify armament and war economy, deals only with the decision of basic questions. Professional questions remain the task of the competent departments which, in their fields, remain responsible within the framework of the decisions made by the Central Planning Board.

2. In order to have the conferences properly prepared and to have the execution of the decisions supervised, the Central Planning Board appoints an office. This office consists of the deputies appointed by each of three members of the Central Planning

* Schieber was Chief of the Armament Supply Office in the Ministry for Armament and War Production (Speer Ministry), from February 1942 to September 1944. Schieber appeared as a defense witness. His complete testimony is recorded in the mimeographed transcript, 30 August 1948, pages 18928-18968.

Board; one of these three deputies shall be appointed Chief of the office.

[Handwritten marginal note] To be forwarded.

3. In accordance with the attached distribution of work, the office appoints Referenten. These reporters are at the disposal of all members of the Central Planning Board. The office appoints one reporter to keep the record.

4. Office and Referenten have to see to it, above all, and to draw the attention of the Central Planning Board, if necessary, to the required measures, that—

a. All decisive tasks of war economy are achieved quickly, without red-tape, and ruthlessly, by mutual adapting of all composing branches.

b. All such work as is obviously without importance for winning the war, be discontinued.

5. *Tasks of the office.*—*a.* The office prepares the meetings of the Central Planning Board in such a manner that the members of the Central Planning Board have the agenda and the material of discussion 24 hours in advance. For this purpose the office conducts preliminary talks with the competent departments, etc.

b. On the strength of the record made by the reporter, the office sees to the execution of the decisions of the Central Planning Board by the competent agencies, and sees to it that the deadlines fixed are complied with.

c. The members of the office keep the members of the Central Planning Board informed between the sessions.

6. The distribution of work, dealing with incoming mail, etc., is arranged by the office itself. The members of the office sign: "By order" of the Central Planning Board.

7. *Tasks of the Referenten.*—Referenten have to keep in constant touch with the departments, with regard to the sectors of work they are in charge of. In the regular sittings of the office, they report on the progress made and on the measures which are required for the carrying on of the war economy, especially for the increase in production for other improvements in the supply with raw materials and for necessary changes in distribution. They do the preliminary work for the meetings of the board (see also 5*a*), and in their working sector they are primarily responsible for the execution, within the established time limits, of the decisions of the Central Planning Board.

Berlin, 20 October 1942

Signed: MILCH
Signed: SPEER
Signed: KOERNER

[Stamp]
Berlin 6–11–1942
No. L 16-501
Copy to the State Secretary for his information.

DR. SCHATTERMANN

Certified
[Signed] SCHULZ
Reg. Sekr.

TRANSLATION OF DOCUMENT NID–12322
PROSECUTION EXHIBIT 1890

MEMORANDUM OF A CONFERENCE OF SS LIEUTENANT GENERAL POHL, DEFENDANT PLEIGER, AND OTHERS, 21 OCTOBER 1942, CONCERNING THE OPERATION OF A MUNITIONS FACTORY EMPLOYING CONCENTRATION CAMP INMATES, AND TWO LETTERS CONCERNING THE PROJECT

I. Memorandum of the Conference of 21 October 1942

Staff W—WL/N—

[Stamp] Files

Berlin-Lichterfelde, 21 October 1942

Memorandum regarding discussion of 21 October 1942 on the matter of the Watenstedt munitions factory

Present: SS Lieutenant General Pohl
Director General Pleiger and adjutant
SS Brigadier General Loerner
SS Brigadier General Dr. Kammler
SS Lieutenant Colonel Maurer
SS Major Mummenthey
SS Major Dr. Bobermin
SS Captain Schondorff
SS First Lieutenant Dr. Volk
Dr. Hohberg
The business and technical-works managers of Watenstedt Foundry of Hermann Goering Works

It was agreed that, jointly with the Schutzstaffel [SS], Hermann Goering Works operate a shell-turning factory with equal profit shares for both parties. Hermann Goering Works provide the factory, the site of the rolling mill belonging to Foundry Watenstedt near Brunswick, plus all necessary installations, while the SS contributes prisoners [Haeftlinge] and guards.

A special company for the administration of the munition factory will not be founded, however; the accounts will be treated

as a separate unit in the books of Watenstedt Foundry, and half the profits will be credited to the Schutzstaffel.

SS Lieutenant General Pohl emphasized that the SS would refrain from sending auditors to check the accounts, relying rather on decent business conduct in Hermann Goering Works.

SS Lieutenant Colonel Maurer is appointed as special representative for the Schutzstaffel. In agreement with Staff W, it is desired to assign an SS business adviser to the munitions factory.

[Signed] HOHBERG[1]
(Dr. Hohberg)

2. Letter from Maurer to the SS Economic and Administrative Main Office, 5 April 1943, concerning financial arrangements for the operation of the munitions factory on the basis of conferences between defendant Pleiger and Himmler and Pohl

Oranienburg near Berlin
5 April 1943

SS Economic and Administrative Main Office
Department D—Concentration Camps
Telephone: Collective No. 3171
Dictation: D II/1 14/12b Ma./F.
Must be stated in all replies
[Handwritten] To be filed in the special files of munition factory H. G. Werke, Brunswick

Subject: L. FH. 18[2] Production in Reichsworks "Hermann Goering," Druette near Brunswick

Reference: Conference of 23 October 1942 [Stamp]
Mail received: 7 April 1943

To SS Economic and Administrative Main Office
Staff W—Attention: Herr Dr. Hohberg
Unter den Eichen 126–135

Preliminaries concluded, the Reichsworks Hermann Goering, Druette near Brunswick, where prisoners are to be utilized for work, are slated to start production on the 10th instant.

It is therefore necessary to settle further details for a definite financial agreement with Reichsworks "Hermann Goering" in Druette, according to the conference between the Reich Leader SS and Herr Director General Pleiger on the one hand, and

[1] Hans Hohberg, an official of the SS Administrative and Economic Main Office, was a defendant in the Pohl case (Vol. V, this series).

[2] "L. FH. 18" is the abbreviation of "leichte Feldhaubitze 18" (light field howitzer model 18), the designation for the German Army's 105 mm. howitzer gun.

between SS Lieutenant General and Lieutenant General of the Waffen SS Pohl and Herr Director General Pleiger on the other.

I propose to set an early date for this discussion with the gentlemen of Reichsworks "Hermann Goering" in Druette near Brunswick. It might be best if both of us went to Druette together for this purpose. Please telephone me at your earliest convenience so that we can fix a time.

The Chief of Department D II
[Signed] MAURER
SS Lieutenant Colonel

3. Letter from SS Lieutenant General Pohl to defendant Pleiger, 5 June 1943, concerning the share of the SS in the profits on the joint munitions enterprise

5 June 1943
[Handwritten] To the files.

Staff W—W1/Kue.—
To Herr Director General Pleiger
Berlin-Halensee
Albrecht-Achilles-Str. 60/64
Subject: Contract with Hermann Goering Works in Druette near Brunswick.

My dear Party Member Pleiger:

I shall first deal with our discussion of 21 October 1942. It was decided then, that no special company was to be founded to manage the munition factory; that accounts for this factory, where prisoners are employed, should be kept as a separate costing division; and that profits realized should be halved between Hermann Goering Works and Schutzstaffel.

On second thought, it is my conviction that in view of the prisoners being provided by the Reich sector, the contribution of the Schutzstaffel to the joint enterprise is too small to justify so high a profit share. I for my part shall not press such a claim. Should you differ, I leave it to you to make your own decision about the matter at the end of each fiscal year.

Heil Hitler!
[Initial] P [Pohl]
SS Lieutenant General and General of the Waffen SS

[Handwritten] Today Pleiger telephoned, asking me to leave things unaltered until the end of 1943, so that we could then discuss things in the light of results achieved during that year. I consented.
(Wv) 20 January 1944 [Initial] P [Pohl] 28 June

PARTIAL TRANSLATION OF DOCUMENT R–124–A
PROSECUTION EXHIBIT 2274

EXTRACTS FROM THE MINUTES OF THE 16TH MEETING OF THE CENTRAL PLANNING BOARD, 23 OCTOBER 1942, TO WHICH DEFENDANT PLEIGER WAS CALLED FOR A DISCUSSION OF COAL PRODUCTION AND DISTRIBUTION AND THE LABOR REQUIREMENTS OF THE COAL INDUSTRY

[Stamp] Top Secret

Stenographic record of the 16th conference of the Central Planning Board concerning coal on 23 October 1942, 1600 hours, in the Reich Ministry for Armament and Munitions, Berlin, 3 Pariser Platz

Dr. Eggeling/Bgt

Reich Minister Speer opened the meeting at 1650 hours.

SPEER: Gentlemen. A letter written by Party Member Pleiger* made it imperative to call a meeting of the Central Planning Board in order to discuss the coal situation. This letter actually predicts an absolute fiasco in the coal supply during the winter 1942–1943. In this letter you say: the situation could only be saved by a sharp restriction of current requirements even in the most important industries.

In retrospect I should once again like to make it clear that in one of the meetings of the Central Planning Board—as I saw from the stenographic record—Pleiger in the spring of this year said that he would get the coal situation under control if he would get the appropriate support by transportation. I would like to recall this fact again, for at that time, as the Fuehrer told me, this information was relayed in the proper manner via the Reich Marshal to him.

Today the distribution estimate for the month of November is such that the so-called iron plan with 560,000 tons a month is not taken into consideration at all, that is to say, that the allocation for iron production is even 340,000 tons per month less than in October. This would also mean that the production of iron during November would be reduced to the quantity produced up to now, that is to about 2.1 million tons.

The industry has requested 2.12 million tons and, according to this distribution plan, is to be allocated 920,000 tons as against 1.4 million tons in October which have already been allocated, which means therefore despite the imminent winter a sharp cur-

* Defendant Pleiger, beginning in April 1941, was chairman of the Reich Association Coal, and it was in this capacity that he was present at this meeting of the Central Planning Board.

tailment in the allocation to the industry which is going into the winter without stock piles anyway.

Allocations for the power industry are 20 percent below the quantity demanded by the industry in spite of the fact that it would not be possible at present to bring the factories which use their power for armaments completely through the winter even though they would receive the full amounts. That means that the restriction of 20 percent would have to be taken from those industries which, as the aluminum production, were to be exempted up to now.

It is obvious to all of us, and I also know that this must be clear to Party Member Pleiger, that the effects would assume such proportions that it would be impossible for us to make a decision here; this is a decision which can only be made by the Reich Marshal and by the Fuehrer himself. For example, according to this survey, if the program would be carried out, we would, in the fourth quarter, have an iron production of 2.1 million tons. Based on the Fuehrer's decision made in the meeting, 2.65 million tons were distributed, that is to say, production would be reduced by 550,000 tons per month. The industry must then in the first quarter be allocated 550,000 tons per month less than their estimated output.

* * * * * * *

After this "Philippic" sermon, which as such, is quite disagreeable to me, would Party Member Pleiger please take the floor.

PLEIGER: Herr Minister, it was not my intention to predict a complete breakdown, as you stated. The plans submitted here are so-called balancing plans which are sent to me by the syndicates; one time by the Upper Silesian Syndicate, another time by the Rhenish Westphalian Coal Syndicate. How should we proceed now? You see the following in this estimate: If we, for instance, get 24,000 cars in the Upper-Silesian area, we can follow the plan outlined, namely, insofar as the various pits will be supplied according to plan X; in the case of 23,000, according to plan Y; in the case of 22,000, plan Z; and in the case of 21,000, according to plan A. In the estimate submitted by the Upper-Silesian Syndicate, for instance, the requirements earmarked for the Occupied Eastern Territories, including the Ukraine and the Armed Forces are 300,000; then this amount was reduced to 260,-000; 250,000; and 225,000. For example, I was in Krivoi-Rog, and found out there that ordering this coal is very easy indeed, and that large amounts of coal arrive in Krivoi-Rog which are then piled up and are left in the open. I found out that 25,000 tons of coal are stored in Nikolaevsk, which were brought there by boat from the Upper-Silesian area. It was explained to me

that it would be simpler to take the coal from Nikolaevsk to Stalingrad than to bring it from the Donets basin to Stalingrad. Here we are then, with 1.2 million tons lying around in the Donets basin, and in the Kharkov area there are up to 250,000 tons of the best grade of anthracite. Up to now I wasn't able to make these people move the coal from the fields in the quantities required down there. But it seems to be more interesting and more comfortable to keep on pouring in the coal from the Reich.

I told them that they should first of all give me an estimate. Well, then I have to arrange this estimate in such a way that I can do something. Up to now we did all right, and I also believe that the deficiencies up to now will not in themselves have such repercussions that we can't get through at all.

But all this is not so important. The most important thing is the labor situation. In the meeting where I told them what is what, I asked that I be given the necessary labor. The Plenipotentiary General for Labor Allocation said in this meeting that about 120,000 men should be allocated there, I think it was to be until 1 September.

(Interpolation: Until the beginning of July.)

I am sorry to say that, since then, I have urged the matter and have more or less begged, not once but several times: Please see that those workers get here! Then those workers were finally put in, and in most cases they appeared in that Stalag near the border, luckily once again became infected with typhus, and had to be put into quarantine. Finally the situation in the Ruhr mining industry is today at such a turn that I can only get the output by using special measures.

For when the Ruhr mining alone is lacking 63,400 men, and when they simply cart away 140 skilled workers—as happened in the Dutch National Mines [Staatsminen], in spite of the fact that I had given Bruch strict orders: "Don't let them take away any of the skilled workers"—and when the OT [Organisation Todt] and Wehrmacht, for building air strips, simply cart away workers from the Campine mining, from the mines in Belgium—

SPEER: When did that happen?

PLEIGER: Last year.

SPEER: These are old stories, we've heard them often enough. There is no sense in bringing them up now. You've got to think of something now. Did anyone take any of the manpower allocated to you in the recent operation of Sauckel? You've got to report things like that to us.

FISCHER:* Well, they are doing that in Holland now. They've taken 140 already and 60 more are scheduled to be transferred.

SPEER: Who did that?

PLEIGER: Well, the Labor Allocation, Sauckel.

SPEER: Where are they now?

PLEIGER: To Cologne, Deutz, Humboldt.

SPEER: What are they doing there?

PLEIGER: They are supposed to be allocated into the various mining industries. Then I said that I thought it nonsense that they take away those workers from the actual pits.

SPEER: Today I mentioned to Sauckel several cases of that nature and told him—if we don't insist that every one of these cases is channelled back through the labor office and keep those people busy, they will never come to their senses. That's why we must insist on that, and we shall order Sauckel's office to have these 150 people brought back to you, every one of them, and I would like to ask you to report to us in 3 to 4 weeks and tell us whether or not you have gotten them back. We on our part shall make certain that this situation is cleared up.

* * * * * * *

PLEIGER: If I could get the 68,000 men into the West as quickly as possible, I think that the output would increase within 3 to 4 weeks, at best 3 weeks after they are assigned, by 500 kilograms per man. That would mean 32, 33, 34,000 tons per day.

SPEER: That would be one million tons more per month.

PLEIGER: But that is only in the beginning. You have to remember that the German miners are already working two Sunday shifts, and at the moment when I pipe in this quantity of workers the production might even decrease in part, because the German miners will be kept busy with breaking in the Russians. I have also been made the following proposal—Take out one of the Sunday shifts. But that I can't really afford to do; today that would be dangerous. The production, in spite of the shortage of labor, was kept at par only by the fact that we instituted these Sunday shifts.

SPEER: And everything else you would need to put this manpower to work within 3 weeks would be available?

PLEIGER: Well, I can't really throw them in there within 3 weeks. That would mean too much trouble in the mines. If there are 350,000 men working in the mines and I put in immediately within 3 weeks 63,400 men, the first thing that happens is that the backlog of output piles up, for they can't even understand each other. That will definitely mean trouble. That's why I

* Fischer was one of the assistants of Pleiger in the management of the Reich Association Coal.

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asked some time ago that the workers are allocated to the mines in certain series. Unfortunately that hasn't been done up to now.

MILCH: What is the maximum of Russian workers that you could absorb?

PLEIGER: About 20 to 25,000 men per month.

MILCH: Then the whole business would take 2½ months?

SPEER: That means that we could count on this thing in November.

* * * * * * *

SPEER: How many men would you need all in all to increase the output?

PLEIGER: 107,147 men and then an additional 7 to 9,000 men for the various auxiliary industries. In the Ruhr we need 67,000 men.

MILCH: Here is a decrease in foreign labor. Are those expiring contracts?

PLEIGER: These are Croats which we put there some time ago, and Italians; but they are just those who, because of the air raids in the Ruhr area, get out of there as soon as their labor contracts expire.

MILCH: Can't we stop them?

PLEIGER: We tried that. There is nothing to be done. There is no sense to that, we can't continue to keep them there; after all, they are allied nations.

SPEER: But the Italians had promised us a definite number of men.

PLEIGER: They had promised us 36,000. Of those we got 5,000. At present, I believe, 4,000 are still here. In November of the year before last I made an agreement with the Italians according to which they were to mine their own coal in the Ruhr and in Upper Silesia, and they were to organize labor details, and the men were to be under military discipline. [The following sentence crossed out in the original: "These would have become efficient pioneer battalions after working in the mines for a few years."] That in effect was the essence of the agreement.

* * * * * * *

PLEIGER: We must use experienced and healthy Russian workers.

SPEER: Nonetheless, will you get us a copy of this agreement so that I can take it along?

PLEIGER: Very well. But that will lead to nothing. I have just received a request from Headquarters to allocate more to Finland on the strength of a Fuehrer Order, also to Hungary, etc.

SPEER: I should like to have such Fuehrer orders reported to us here in every instance. For how such a Fuehrer order originates is sometimes open to question. The Fuehrer does not always issue these orders himself, rather someone made the suggestion and he agreed to it. He is not always informed about the ensuing effects. If someone makes a report to the Fuehrer concerning coal, and if he makes some sort of decision in this connection which is to your disadvantage, then you must have a representative there; just as the Foreign Minister requires a representative to be present, he should also grant the same thing vice versa.

* * * * * * *

SCHIEBER: The Central Planning Board decided 3 months ago that no further distinction should be made in the North between coal designated for the Armed Forces and coal for general consumption. Gauleiter Terboven promised that if we could fill his requirements which were agreed upon at that time between the Ministry of Economics and State Secretary Koerner, further distinction should be discontinued. In view of the present situation I believe that it would be completely wrong to reinstitute this distinction. Gauleiter Terboven said last time, and Henne also said a few days ago, that they are having difficulties again and again because this distinction, which has been cancelled as such by the Central Planning Board, is still being made.

A REFERENT of Pleiger: I believe State Secretary Koerner took it upon himself to make a report to you on this request of Gauleiter Terboven. The Army Command Norway insists on getting special privileges.

MILCH: That would have to be submitted to the Fuehrer. It would be highly desirable if we had a unified stock pile for our purposes, whether meant for building, Navy, or Air, under the authority of one man who makes the decisions after hearing the requests of the parties concerned. Then it would not be necessary to have such great supplies separately, and above all, one is then able to help immediately if the need arises; in case, for instance, a steamer cannot get into port because of ice formation, and it wouldn't be necessary for one to beg the other on his knees for help. But I believe that we shall have to let the Fuehrer know about all that so that he issues the order.

* * * * * * *

SPEER: I should suggest that sometime before next Wednesday a small committee consisting of Pleiger, Rosenkranz, Schieber, Kehrl,* Landfried, and Becht should get together in order to

* At this time defendant Kehrl was an official of Main Department II in the Reich Ministry of Economics.

think over whether or not one could possibly make another suggestion concerning the distribution, if one ignores all existing ties and would act only on the basis of reason.

* * * * * * *

KEHRL: In order to make a decision about whether one should reduce household fuel or export during November, we first must know the estimate for December. Then one could possibly delay the decision on home consumption. But then, the Central Planning Board would have to make some sort of decision in the manpower situation. If this is not done we cannot make an estimate.

SPEER: Next week, when we shall have the conference with Sauckel, your position in relation to the manpower question will be such that you will be able to get workers to the extent to which you can absorb them. You only have to tell us how many you can absorb.

* * * * * * *

PARTIAL TRANSLATION OF DOCUMENT R–124–B PROSECUTION EXHIBIT 2275

EXTRACTS FROM THE MINUTES OF THE 17TH MEETING OF THE CENTRAL PLANNING BOARD ON 28 OCTOBER 1942, DISCUSSING THE EMPLOYMENT OF FOREIGN LABOR AND PRISONERS OF WAR IN THE COAL INDUSTRY, THEIR HEALTH AND WORKING CAPACITY, AND RELATED MATTERS

[Stamp] Top Secret

Minutes of the 17th meeting of the Central Planning Board concerning prerequisites for increased coal production, 28 October 1942, 0930 hours, at the Reich Ministry for Armament and Munition Berlin, 3 Pariser Platz

* * * * * * *

PLEIGER: I believe it would be best to start with labor schedules. Perhaps Dr. Winkhaus,* as manager responsible for production increases, will talk briefly about the general situation and inform us about the possibilities concerning labor employment. For rumors are being circulated to the effect that we are unable to house the men. This is contrary to the facts. The barracks, as well as the necessary furniture, etc., are all on hand. What we need now is merely to get the workers who were promised us.

* Member of the Praesidium of the Reich Association Coal.

WINKHAUS: Our great initial difficulties in educating our personnel in how to train the Russians have been surmounted in a relatively short time. Thus, after an initial falling off of the production—the natural result of the necessity of transferring our best men for the purpose of retraining the Russians who are completely unskilled in underground mining work—we can now observe, beginning with this month, a gratifying upgrade development. Our daily Ruhr production has reached 370,000, 380,000; and last week 385,000, 387,000; and day before yesterday 390,000 tons. I, as well as my colleagues from various other mines, am sufficiently optimistic to believe that, in case we should get the additional Russians, we would reach the planned production schedule a few months after their arrival.

None of the Russians having been miners, it proved to be far more difficult than we thought at first to get them used to mining work. They were in such a state of malnutrition that we were compelled at first to fatten them up for 3 to 4 weeks above ground, in order to avoid constant setbacks due to diseases.

A prerequisite of our success, however, is the ability of the mining feeder industries [Bergbauzubringerindustrie] to cope with our, at times, sudden and tremendously increased requirements. By systematically modernizing our tools at the beginning of this year, we created the preliminary conditions for a considerably increased production in the feeder industry amounting to 150 percent of present output in some products. We have, for example, reduced the existing 120 types of pneumatic drill picks to 12, and 80 hammer drills to eight models, and we forbade all firms to build more than two of these types. Subsequently we have pared down to 7,800 Russians the former plan of allocating 16 to 17,000 workers to the feeder industries, in order to meet current requirements as well as sudden spurts of increased production. I would like to request—and I have told Herr Sauckel already in Essen of this request—to let us have these 8,000 men as soon as possible. For we must have them, or we run the risk of taking these people down the mines without the necessary implements. Otherwise I fear setbacks with the employment of Russians.

In addition we need 5,000 Eastern laborers for such time as to finish our mine props work. Although sufficient timber has been cut, it has not yet been transported from the woods to the railway and thence to the sawmills, for which about 5,000 men, possibly unskilled, are needed. It must happen soon, before the start of real winter, in order that the timber will be removed.

PLEIGER: Concerning mining props I want to make clear that it is absolutely necessary to have it sufficiently graded, for other-

wise it will happen that perhaps heavy logs will be used in the mines when, in fact, thinner ones would suffice. Thus good qualities, destined for high coal seams, would be cut up and used for sloping construction. By doing this, and by not getting sufficient props to the props storage dumps, we would commit an economic waste for which we cannot accept responsibility. I would appreciate it if we would get sufficient labor for this mine timber work, for this bears double, triple, indeed tenfold, interest.

With regard to labor allocation, I would like to say that I have at one time asked Gauleiter Sauckel that he should not send us Russians who know nothing about mining. But this much is sure, several hundred thousand miners were shipped from the Donets area to Germany. The largest quota of workers was supplied by the area around Stalino. It can be stated as a fact, however, that the mines did not receive a single man fit for mine work but only unskilled labor. I am convinced that the former miners have somewhere disappeared in general industry. It probably happened by the Russians all saying: "We are not miners," because their mentality is averse to work underground. I wish to ask, and this was promised to me already some time ago by Gauleiter Sauckel, that strict control measures will be taken, in order that we actually get those miners and reach 100 percent production in the shortest time. The fact is, however, that we barely get a single miner. It surely cannot be the task of mining companies, specially in these difficult times, to function as school masters.

I want to point out in addition that the present output we get from the Ruhr is the practical result of the *German miner's extra work*, brought about on the one hand through the surplus gained in training and on the other hand in consequence of the extra shifts. This state of affairs must absolutely be stopped very soon. We can afford such a luxury only until the end of the year, and then we must reduce the number of shits. In November we must put in three Sunday shifts; a condition for which, in the long run, we cannot accept responsibility since we have to consider the preservation of the men's physical capacity to work.

SPEER: First of all we want to find out the following: How many men can you put to work in November?

FISCHER: We could immediately house 44,000 PW's and additionally 12,592 Eastern workers. In the Ruhr, we have lodgings ready for 25,000 PW's and 7,500 Eastern workers. A larger number could immediately be housed in Upper Silesia, a smaller one at brown coal lodgings, and another 4,000 men in the Campine. As of 1 December we could billet another 18,950 PW's, of them

15,000 at the Ruhr. The barracks for the whole program have been delivered and are in the course of construction.

SPEER: How many of these men can you put to work?

FISCHER: Everything is already prepared for it.

SPEER: Does this mean that all of them can be employed right away?

WINKHAUS: After bridging the interval necessary to fatten up the Russians so they can work underground. For the time being they are employed on the surface in order to get slowly used to the work.

SPEER: What, in your opinion, are the production results?

FISCHER: We requested 191,000 workers of the Plenipotentiary General for the Allocation of Labor. By far the largest item concerns the Ruhr with 90,700 men. Up to 24 October we have received 123,172 men so far.

SPEER: It must be said in this connection that 123,000 men are not a negligible matter. We must show Sauckel our appreciation of this fact.

PLEIGER: Yes, but he had promised them for a much earlier date. It must be taken into consideration, that these workers must be trained before we can put them to work as miners.

SPEER: In any case it must be said that something has been achieved.

PLEIGER: I am not lodging any complaints.

HILDEBRAND:* It is difficult to ascertain the quality of these men. In consideration of the grabbing habits exhibited by Eastern offices we had to help ourselves quickly and had the men shipped off. At present we have 30,000 PW's in transit in the Reich territory and in the camps within the Reich, whom we have reserved for coal mining.

SPEER: And half of them will be available for Pleiger?

HILDEBRAND: A deficiency of some 50 percent must be expected. Normally 60 percent are found to be deficient. The remaining PW's represent a difficult problem for us. We made the promise at that time because Field Marshal Keitel had also promised us that 190,000 PW's would be supplied to us for this purpose. We are still short some 60,000 PW's and sundry agencies in the East are already at issue in regard to them. General Wagner, the Chief of Supply and Administration, came to see me and told me that it is quite impossible to make them available, and asked for a respite until January. At present we have 60,000 promised to us for the beginning of December.

* Throughout these minutes the name Hildebrand was used for Hildebrandt. Hildebrandt was a Ministerial Director in Department VI (Labor Allocation) in the Reich Ministry of Labor. After Sauckel's appointment as Plenipotentiary General for Labor Allocation, Hildebrandt was subordinate to Sauckel.

I remarked that in regard to present shipment it appears as if the quality of the men is already determined to a large degree in the East. The better qualified PW's are being kept there and only the inferior workers are shipped off, thus I would not expect too much as to the quality of these 60,000 men. I believe that less than 60 percent will be fit for mining work.

Apart from this there are 15,000 men waiting in the PW camps in the Government General that are found to be in order, and they will arrive as soon as the 30,000 are shipped off. Pleiger had been promised by Gauleiter Sauckel that 10,000 civilian Russian workers will also be made immediately available from agriculture for work in mining. This matter has been settled in yesterday's conversation with Dr. Fischer. I believe that these 10,000 workers will be available for mining in about 10 days, thus bringing the total up to 115,000 men. However, a certain loss cannot be avoided as a result of the physical state of the men.

Serious difficulties arise also from the fact that we are told again and again not to send our recruiting agents into the entire district of Stalino or into Economic Inspectorate Don-Donets, as the available workers are badly needed there. If this is the case, then recruiting labor in the East will produce small results because the civilian workers received at present mostly come from these districts, whereas the other districts supply only a small share in comparison. It is rather difficult to go ahead in the new territories, among which is included the Inspectorate Caucasus, but the first transports are also set in motion. However, local requirements are also very large in this district, particularly on account of the plans made in regard to mineral oil and petroleum.

There seem to be an adequate number of workers available in regard to the feeder works and mine props. It has been said already that unskilled workers will do for mine props. This could be accomplished in a few days because a rising tendency is to be noted at present in the Russian transports. Instead of receiving the usual 5–6,000 workers, we received yesterday well over 10,000 civilian Russians and PW's.

In the figures given us a short time ago by Herr Fischer, a certain loss had also been mentioned. This was unknown to me. Various labor offices, after discovering qualified workers among the PW's, had retained them and replaced them by Eastern civilian workers. The number of workers involved is rather small. I do not know whether we should put a stop to this.

SPEER: If they already have been trained it is wrong to request the return of these men. It is a different matter if these men have been with Pleiger only for 2 or 3 days and it is found

out that metal workers are among them. The labor office should act with the same promptness.

FISCHER: The men have been selected beforehand, but it happens that sometimes metal workers slip through and thus are also assigned to mining. I am of the opinion to leave them there.

HILDEBRAND: We cannot X-ray the Russians to see whether they formerly were metal workers. We require altogether only 15,000.

FISCHER: Of a total of 100 men recruited, we only received 80.

SPEER: That means, conservatively, 15,000.

HILDEBRAND: And then the 60,000, where greater difficulties will be encountered.

SPEER: In this case we must assume a smaller percentage. Perhaps 20,000.

PLEIGER: I have made sure of that myself. I have seen the new prisoners at work on the construction of the briquette factory near Stalino. I have noticed that the Rumanians and Italians have first of all taken away all clothing and overcoats owned by those coming from Stalino. When you look at those figures you wonder whether they could pass on a brick as far as a hand's width. They are completely down and out. It certainly will not help the aim in view if we have to give them first a treatment in a sanatorium before we can employ them even in surface work.

SPEER: You may not criticize the fact that the Fuehrer has deprived them of the wheat basis.

PLEIGER: I only state the fact. In any case they request us to produce coal. If we are offered only such runts we really cannot accomplish anything. The selection takes place already at the front.

SPEER: The 20,000 will not be available for employment on 1 December?

HILDEBRAND: They should be here on 1 December.

SPEER: How many of the 20,000 will be ready for work by 1 December?

FISCHER: The stay in the Stalag [PW base camp] will take at least 7 days, then comes the transport from the Stalag to the Stalag at home [in the Reich] and from there to the mine.

SPEER: We should be able to figure on 10,000.

HILDEBRAND: Now the Government General—15,000 PW's are held there in transfer camps. We may figure on 7,500. To this must be added the 10,000 to be taken away from agriculture. Orders have been given to select only healthy workers from this quarter, both from among the Eastern workers and the PW's.

PLEIGER: I would appreciate it if a discussion would take place

on the question whether or not additional workers could be obtained from agriculture. That is where the several 100,000 miners from the Donets district may be found. I maintain that agriculture could give up more than 10,000 men for mining work. It is also much easier to build up a man in agriculture than in a closed camp where epidemics might quickly break out.

* * * * * * *

FISCHER: By having taken into account the number of camps now completed we have arrived at the figure of 44,000. Those we need we can utilize at once.

SPEER: Theoretically, yes. For reasons of expediency, Herr Pleiger stated that he can put only a certain number of them to work in mining at once. They cannot all be trained so fast.

PLEIGER: I can put them to work at once. I will give them surface work and nurse them along. But I cannot—and this I have said—work them in the pits.

WINKHAUS: We take everything which is made available to us from among the 104,000 men.

MILCH: It is now intended to make 42,000 available from among the 104,000, leaving a differential [Fehlbedarf] of 62,000 to be made up as soon as possible. To this must be added the 7,500 required for the feeder industry and 5,000 for mine props.

PLEIGER: The feeder industry requires also construction workers not only Russians. In connection with this I had made the proposal to recruit construction workers from the construction shops.

SPEER: We had intended to issue a decree ordering the draft of those employees and technicians who were not yet employed exclusively in the war work, via the Main Office for Technology [Hauptamt fuer Technik] and the technical associations. But the figure of 258 technical employees for the feeder industry still seems a little high to me.

FISCHER: That is the minimum.

PLEIGER: Let me point out once more; so far 123,172 men were newly assigned, while 36,842 have left. Furthermore we have to take into consideration that we lose approximately 1,000 men per month in the Ruhr: by accidents, death, etc. A certain replacement should follow automatically. We should, by right, add a certain quality factor to the percentage which we request. We lost 9,051 PW's, 8,150 Eastern workers, 19,641 other foreigners. These shortages are the reason for the fact that practically no satisfaction of the Ruhr mining industry could be achieved so far.

MILCH: How can it be explained that you lost so many PW's?

PLEIGER: Through sickness and disability, also partly through self-mutilation.

MILCH: What do you do in such cases?

PLEIGER: They are returned to the Stalags. I would like to state emphatically that a large number of the allocated PW's show a production capacity of about 25 percent as per today—that is, training and probational periods are by no means over yet.

* * * * * * *

TRANSLATION OF DOCUMENT NG–5704
PROSECUTION EXHIBIT 3790

LETTER FROM DEFENDANT PLEIGER TO FRITZ SAUCKEL, PLENIPOTENTIARY GENERAL FOR LABOR ALLOCATION, 12 FEBRUARY 1943, CONCERNING THE IMPORTANCE OF DRAFTING YOUNG POLISH LABORERS FOR THE GERMAN MINING INDUSTRY, AND RELATED MATTERS

Berlin-Halensee
Albrecht-Achilles-Str. 60/4
12 February 1943
—97 78 11

To the Plenipotentiary General for Labor Allocation
Gauleiter Fritz Sauckel

Berlin W 8, Mohrenstr. (Thueringenhaus).

Dear Party Member Sauckel:

Referring to our telephone conversation regarding the use of Polish labor in the mining industry, I wish to impress this matter upon you once again. As I already have told you, in the presence of Reich Minister Speer, I have pointed out to the Fuehrer that the increase in production which the mining industry is asked to accomplish can be realized best by using young, fresh, Polish labor. In saying that, I have emphasized that their allocation is the condition for drafting German miners into the Wehrmacht.

I wish to ask you again to speed up the allocation of the Poles to the mining industry. In this respect, it can not be a question of recruiting individual men; 2–3 whole age groups, preferably those of 19–22 years of age, have to be drafted [dienstverpflichtet] for 3 years in the mining industry.

As I have already stressed in my discussion with General von Unruh,* the objections that the construction service in Poland would not have enough personnel for guarding them are not justified. It is quite possible to organize the disciplinary care of the Poles by the mining industry itself, sufficient miners being on hand with a military record who can take over their guarding.

* Lieutenant General Walter von Unruh was chief of the Special Staff of the High Command of the Armed Forces [chef des Sonderstabes in OKW], charged with insuring total mobilization.

You state in your decree Va 5210/901/43 G, of 9 February, to the Presidents of the Regional Labor Offices that it could not be done, and that the responsibility could not be accepted for making available two new workers in replacement of one drafted German. I must urge upon you to retain the relation of two Poles against one German in connection with the use as a whole [geschlossener Einsatz] of drafted Polish age groups. We are cheating ourselves by requesting from an unskilled Pole, may he be young and strong, the same production as from a skilled German workman. But the exchange cannot be made at the cost of production of coal. On the other hand, I have to use all means to make available to the Armed Forces the miners requested who, judging from experience, are particularly good soldiers.

There is no doubt that the whole task necessitates speediest action in this matter. Will you please let me know whether you desire to take the initiative in carrying through the action or whether you want to leave that job to me.

Heil Hitler!

Yours,

[Initial] P [Pleiger]

TRANSLATION OF DOCUMENT NG-3388
PROSECUTION EXHIBIT 2612

TELETYPE AND LETTER OF DEFENDANT LAMMERS, 13 AND 18 FEBRUARY 1943, CONCERNING A CONFERENCE ON LABOR UTILIZATION AND MOBILIZATION IN THE OCCUPIED TERRITORIES

I. Teletype of defendant Lammers to the Chiefs of Military or Civilian Administrations in German occupied territories, 13 February 1943

The Reich Minister and Chief of the Reich Chancellery
o.V. Rk. 1760 C/D Berlin, 13 February 1943

[Stamp]
Reich Chancellery
Teletype No. [Illegible number]
transmitted on 13 February 1943
by:

1. Teletype [Handwritten] Immediately!

To—

a. Reich Commissioner for the Occupied Norwegian Territories, Oslo

b. To the Reich Commissioner for the Occupied Dutch Territories, The Hague

c. The Reich Protector in Bohemia and Moravia, Prague

d. The Military Commander in Belgium and Northern France, Brussels

e. The Military Commander in France, Paris

f. The Governor-General, Krakow

Subject: Measures for the mobilization and the commitment of labor for tasks connected with the Reich defense.

On the basis of directives laid down by the Fuehrer, the Reich Minister of Economics, the Reich Minister of Food and Agriculture and the Plenipotentiary General for Labor Allocation have taken a number of measures in the territory of the Reich in order to mobilize and employ labor for tasks connected with the Reich defense. These measures have already been transmitted to you directly for information by the offices concerned.

The Fuehrer has commissioned the Chief of the Armed Forces High Command, the Chief of the Party Chancellery, and myself, to take care of a systematic carrying-out of his directives in the occupied territories, too. In agreement with the Chief of the Armed Forces High Command and the Chief of the Party Chancellery, I think it advisable to discuss with you, as well as with the competent Supreme Reich Offices, what measures you can take in this respect in the territories administered by you.

I would like to send a representative to a discussion which will take place in the Reich Chancellery, Vosstrasse 6, conference room, ground floor—

a. On 22 February 1943, 0900 hours.

b. On 22 February 1943, 1100 hours.

c. On 22 February 1943, 1500 hours.

d. On 23 February 1943, 0900 hours.

e. On 23 February 1943, 1100 hours.

f. On 23 February 1943, 1500 hours.

As far as possible, this representative will have to be the official responsible, in your office, for the tasks to be discussed. It is possible that the discussion will last another day.

DOCTOR LAMMERS

2. After despatch, to be submitted again at once—(invitation of Berlin offices) (name of the Reich Minister).

[Initial] L [Lammers]

[Handwritten] Party Chancellery (State Secretary Klopfer and High Command of the Armed Forces (Col. Muench) have agreed. Minister of Economics, Plenipotentiary for the Four Year Plan, and Plenipotentiary General for Labor Allocation have been informed by telephone for the time being.

[Initials] NOR [Normann]
[Initials] KR [Kritzinger]
[Initial] W [Willuhn]
12 February

2. Letter of defendant Lammers to Bormann, Funk, Darre, Speer, and Sauckel, 18 February 1943, concerning the conference with the military and civilian authorities in the Occupied Countries

The Reich Minister and Chief of the Reich Chancellery
Rk. 1760 C/D II Berlin, 18 February 1943

Urgent letters

1. To—
a. Chief of the Party Chancellery
b. Reich Minister of Economics
c. Reich Minister for Food and Agriculture
d. Reich Minister for Armament and Munitions
e. Plenipotentiary General for Labor Allocation

Collective address

Subject: Measures for the mobilization and employment of labor in connection with the Reich defense

I am sending you for information a copy of my teletype of 13 February 1943, inviting a number of offices to a discussion concerning the carrying out of the directives of the Fuehrer concerning the mobilization and the employment of labor for tasks connected with the Reich defense outside Germany proper. I would like to request you to take part in these discussions.

[Illegible marginal note]

(Name of the Reich Minister)

2. To—
a. Reich Marshal of Greater Germany, Plenipotentiary for the Four Year Plan
b. Chief of the High Command of the Armed Forces, attention of Colonel Muench
c. Reich Minister for Public Enlightenment and Propaganda

Subject: Measures for the mobilization and employment of labor for tasks connected with the Reich defense

(To insert as under No. 1.)
from to

I recommend to take part in these discussions,* or to arrange the participation of interested departments of the Armed Forces.

* Addition to *b*.

(Name of the Reich Minister)

3. To the discussion date 22 February 1943

[Initial] L [Lammers]
[Illegible initial]
[Initials] KR [Kritzinger]
[Initial] W [Willuhn]
16 February

TRANSLATION OF DOCUMENT PLEIGER 611
PLEIGER DEFENSE EXHIBIT 487

EXTRACT FROM A LAVAL DECREE, 16 FEBRUARY 1943, INSTITUTING COMPULSORY LABOR SERVICE IN FRANCE*

French Official Gazette

(*Journal Officiel*)

No. 41 17 February 1943

Page 462

Excerpt Chief of Government Ordinance No. 431 of 16 February 1943, regarding the application of the law No. 106 of 16 February 1943, which establishes obligatory labor service

The Chief of Government, Ministerial Secretary of State of the Interior, by virtue of the constitutional act No. 12; by virtue of the law of 12 September 1942, directing the use and guidance of workers; by virtue of the law of 16 February 1943, establishing the obligatory labor service; (and after consulting the Council of Ministers,) decrees the following:

Article I.—All Frenchmen and French male citizens, residing in France and belonging to one of the three following age categories:

a. Those men, who were born between 1 January 1920 and 31 December 1920—

b. Those men, who were born between 1 January 1921 and 31 December 1921—

c. Those men, who were born between 1 January 1922 and 31 December 1922—

are obligated to serve 2 years in the labor service and may be called for induction on the day of publication of this ordinance. Time spent in youth camps or in the armies will, however, be deducted.

Article 2.—Prefects with the aid of posters will call the men falling in the above-mentioned categories for a census, to take place between the day of publication of the present ordinance and 28 February 1943, at a designated place, day and hour.

They will order them individually to appear between the day of publication of this ordinance and 5 March 1943 for a medical examination.

Issued in Vichy, 16 February 1943

PIERRE LAVAL

* This document was introduced in the IMT trial as Exhibit RF-61 and in the Flick trial as Document Burkart 646, Burkart Defense Exhibit 19.

PARTIAL TRANSLATION OF DOCUMENT NG–5700
PROSECUTION EXHIBIT 3789

EXTRACTS FROM A REPORT SIGNED DANKWERTS, 9 JUNE 1943, REPORTING UPON AN INSPECTION TRIP TO POLAND NOTING THE RESULTS OF LABOR RECRUITMENT AND RESETTLEMENT POLICIES IN POLAND AND RELATED MATTERS

[Handwritten] Soft coal, Thursday evening very likely, 15 June key date for the mining industry

Confidential

Copy

Only for official use
9 June 1943 Ds/S

[Handwritten] Reference Kehrl, Obersalzberg

Report

Concerning the present status and the future possibilities of the procurement of Polish labor from the Government General.

Visited were the cities of Krakow (2 June AM, short conference in the Main Dep. Labor and with Dr. Jehne); Lublin (2 June in the evening until 3 June evening); Lvov (4 June); and Krakow (5 and 6 June).

1. *The general situation in the Government General.*—The enmity of the Polish population against the German domination has increased considerably in the recent period. Particularly in the districts of Warsaw, Radom, and Lublin, the activity of the bands has much increased.

* * * * * * *

Recently, also, peasants are forming bands who, during the day, peacefully work in the fields and are only being assembled at night by special messengers for attacks. Also, it has already repeatedly happened that police units composed of natives have shot their German leaders to death and then went over to the bands, with the weapons. Incidentally, the jungle-like forests in the Eastern districts offer sufficient hiding places to the bands. The weapons stem partly from Polish Army supplies, partly from attacks, and partly they are furnished by the Soviets by air.

The agents of the German Government for labor allocation and harvest delivery who are working in the infested district themselves are particularly in danger. Quite a number of murder cases have been reported.

The head of the Main Department Labor in Krakow, Ministerial Councillor von Gschliessen declared that, recently, passive resistance has already occurred in the Krakow district.

Reich Germans who have been active in the Government General since 1939 or 1940, declare that also in the Eastern districts there was at first among the population a prevalent feeling of admiring respect for Germany and her Army, in view of the quick victory over the Polish Army. Now, however, according to them, the population is mainly filled with hatred.

All Reich Germans declare more or less openly that the reason for this sharpening of the situation is, either in the first line, or in the second or third line, the labor allocation action. In addition, the resettlement—in the course of which, Polish peasants, in spite of extraordinarily favorable crop delivery, were driven from their farms last year and were replaced by ethnic German peasants from Volhynia or Bessarabia. Hence, these farms are very frequently put on fire by the peasants who were driven out, and attacks are also made principally on the offices of the local village administration and labor allocation agencies.*

In these actions of the bands, they are also hunting out the index rosters which have been compiled by the German administration during the last 3 years and which indicate, in addition to inhabitants, also the size of the farms, the cattle, the labor productivity, etc., and thus form the basis for directing the control [Erfassung] of the sowing and the crop. (It may be mentioned in parenthesis that a man who is authoritatively connected with the resettlement of an Eastern district has declared that the ethnic German peasants from Volhynia or Bessarabia would usually make extremely derogatory utterances about the farms alloted to them and which farms they even often refused altogether to accept, so that, according to this gentleman, the resettlement action is not even useful from the standpoint of these peasants).

In the towns, it is quiet, just like in medieval castles. One enjoys the feeling of complete security. It is true, however, that even here centers of considerable dissatisfaction are emerging.

* * * * * * *

2. *The Labor Procurement Action.—a. In general.*—The areas of Lvov and, later, of Lublin were assigned to the coal-mining industry for getting labor. Recruitment of workers for German coal mining was known for years past in the area of Lvov, particularly in the south (districts of Stanislau, Kolomea, Sniatyn). However, the Lublin District has no tradition in this respect; not even agricultural workers had come from this district to Germany.

Antecedent to the action for getting labor for the mines was the so called Mobilisazie Polakow; that is, the procurement and

* Further materials concerning the resettlement or Germanization program are reproduced earlier in section IX E 1.

the use of labor in the war-important economy, and then the recruitment for the construction service (O.T.), and for the infantry divisions of the SS. Today, as heretofore, construction service and SS are given preference. For instance, the southern and the eastern districts of the Lublin area are blocked for any labor procurement action, in the interest of the SS.

To the Poles, construction service and SS offer the great advantage that for the time being, at least these formations remain inside the country; that their members wear uniforms and are given arms (the latter is also a reason which entices them to join the partisans). On the other side, mining workers are not merely to work "below the surface", they are also "removed to Germany" [nach Deutschland verschleppt].

Finally, the reports as to the available men in question were neither complete nor correct. For instance, one has been counting on a figure of 120,000 men obtainable from the area of Lvov. However, after rechecking, one had to reduce this figure to 80,000 at the most. The first information given to the Plenipotentiary General for Labor Allocation that, 50,000 miners from the area of Lvov could be recruited within 3 weeks, was based on that first figure of 120,000 men available.

b. In particular.—For some time already one can no longer speak of recruitment [Werbung] for the coal mining industry; on the contrary, one actually has to draft and induct [regulaer ausgemustert und ausgehoben] the Poles. Particularly lately, this is possible only by using police forces. They, however, one might say, frequently only push away the workers in question, and drive them to the partisans because of their dislike to be drafted for mining. It has happened that police detachments met men only in the first houses of the villages, the Poles of the other village houses having fled right after the police made their appearance. In the Lvov area, where Ukrainians were assigned to police duty, they found that the entries on the lists of the inhabitants were mostly incorrect. Either false addresses were entered on the lists, or the men had moved in the meantime to "unknown addresses"; in other words, they had fled. Considering these facts, and considering at the same time the requests of the O.T. and of the SS, the draft of Poles who were good for the mining industry could produce only insufficient results.

* * * * * * *

[Signed] DANKWERTS

TRANSLATION OF DOCUMENT NI–2836
PROSECUTION EXHIBIT 1966

LETTER FROM DEFENDANT PLEIGER TO SAUCKEL, 18 JUNE 1943, DISCUSSING THE ALLOCATION OF FOREIGN WORKERS AND PRISONERS OF WAR TO THE GERMAN COAL MINES AND CRITICIZING SAUCKEL FOR REPRESENTATIONS TO THE ARMY HIGH COMMAND ON AVAILABILITY OF REPLACEMENTS FOR THE DRAFTING OF GERMAN MINERS

18 June 1943
316/43g

[Handwritten] Files

To Gauleiter Sauckel, Plenipotentiary for Labor Allocation

[Stamp] Secret!

Berlin SW 11
Saarlandstr. 96

My dear Party Member Sauckel!

In spite of the coal situation, which is extremely tense and unfortunately becomes more and more acute, the High Command of the Armed Forces requests of me the further release of miners. I was compelled to refuse this demand—which was made already on several occasions—the last time. I always referred to the labor allocation situation and especially to the promise I was given to replace adequately the recruitings for the Special Recruitment Campaign [SE Aktion], which however had not been kept. As far as I am concerned the debate on the allotment should have been concluded during the past months after the negotiations with the Central Planning Board on 22 April, and the conference on the Obersalzberg.* There the plan was proposed of gradually allocating, until the fall of the year, the total number of 241,000 foreign workers, needed for the increase in the mining production. From this total, the allocation of 70,000 men was demanded at the earliest possible date, according to the living quarters available, and I then considered the discussions which has been carried on for months as closed. I considered 1 April and the decisions regarding the demand for labor allocation, which subsequently were made by the Central Planning Board, as a new starting point.

Unfortunately I have to come back once more to the past happenings, because in a conference on 28 May, General Olbricht renewed his demand for the release of 14,200 miners, supported

* Obersalzberg is a mountain near Berchtesgaden in Bavaria on which Hitler's residence, the Berghof, was located.

by a letter from your office, dated 25 May. I only became aware of the contents of this letter when it was read on this occasion. I strongly protested immediately against such presentation of the circumstances. Contrary to my expectation, your office did not comply with my request for a copy of this letter, but it was sent by the High Command of the Armed Forces on the occasion of transmitting the record of the session. Therefore I can only refer to this letter today.

Therefore, it is completely incomprehensible to me why your office has submitted such a report to the Armed Forces High Command, because without my corrections the Armed Forces would have drawn conclusions which would have considerably increased the difficulties you would have to overcome with your allotted number of men for the labor allocation in the coal mining industry.

According to your letter of 25 May, the Armed Forces had to come to the conclusion that everything is in the best order in the field of labor allocation in the coal mining industry. You know just as well as I do that this is not the case.

In the letter from your office it is stated that in the period between 1 January and 30 April, 40,000 foreign workers have been allotted to the coal mining industry, and that this number includes also the replacements for the SE Aktion. This does not even agree with the explanation which is given in the following sentence, not to mention that the actual number of miners recruited for the SE Aktion amounted to 26,676 men and not to "24,000." Furthermore 4,244 workers of the coal mining industry, who had been drafted in the first 3 months of 1943, outside the SE Aktion, cannot be disregarded in this connection with respect to the labor allocation.

The development since 15 April 1942, which is well-known to your office, shows clearly, that only half of the "allotted" [zugewiesenen] labor is in fact allocated to actual work. The losses out of the allotments because of unfitness or because of escape are so great that losses exceeded allotments by approximately 1,200 men. Therefore the statistics regarding allotments show indeed the figures accounted in your office, but not the labor allocation in the coal mining industry, which can be the only accurate guide for the coal production and therefore also for the decisions of the Armed Forces High Command. The actual allocation amounted to 23,552 men only, in the period between 1 January and 30 April 1942.

Besides, at the beginning of the calendar year, I had also a reported demand for 26,118 workers which had not been covered. Furthermore, when I submitted a draft for the new coal year,

the Central Planning Board had granted me, in March, another 15,000 men who were allotted for the increase in mining production, and as an adjustment for losses.

The actual allocations from 1 January to 30 April, amounting to 23,552 men, did not even make up for my remaining needs for the year 1942. *There were practically no replacements supplied for those called up through the Special Recruiting Campaign* [*SE—Einberufungen*].

Also I must most emphatically oppose the assertion of your office, that a replacement in the ratio of 2 foreigners to 1 drafted German miner had not been approved. This assertion is already contradicted by the decree of your office Nr. V a 5210/901/43g from 9 February, in which it is stated:

> "According to the present situation, in regard to the urgent requisitions of the armament industry and agriculture, it is at present not possible, or to be advocated, to allot 2 new workmen for 1 drafted German worker. This has been brought to the attention of all agencies concerned."

This decree was promulgated only after the orders for the special recruiting campaigns were already given and even the first 3,000 men already mustered. Besides General von Unruh gave me again the confirmation in the discussion on 28 May, that replacements in the ratio 2 to 1 were promised to me *before* the recruitments. Also the statements of your office referring to the prospects of covering my demands in the next time should not remain unanswered. The circumstances should have been presented, as they were already known to your office on 25 May, especially to the Armed Forces High Command, which desires to be informed of the possibilities for recruitings. The actual situation looks like this—

Only 10,171 Poles could be transported to the German reception camps, instead of the 50,000 from the Government General who were promised to me for the period 10–30 April. In the period 1–27 May, transports amounting to 501 men only arrived from Poland. This campaign was therefore a failure.

It remains to be seen, what the Reich allotment [Reichsmulage] of 50,000 men will amount to at the end of May, especially since labor for the mining industry may be taken off from the total field of the industrial war economy only with the consent of the armament offices after preceding replacements.

The first transport of the 30,000 PW's arrived in the collecting camps in the first days of June. The reservations already expressed by Field Marshal Keitel concerning their fitness for mining proved to be right. On an average only a third are fit for work.

In spite of all "allotments" an actual loss of 362 men was reported in May.

In regard to this situation in April and May, I am not able at all to imagine favorable prospects that the covering of my immediate demand can take place in nearest future, not to mention that the plan of gradual allotments [Stufenplan] already anticipates the allocation of another 33,000 men in June, which will be followed by another 33,000 men in July. How is one able, under these circumstances, to let the Armed Forces High Command still hope that beyond these requirements further replacements for future recruitings could be released, as not even the losses following the first special recruiting campaign have been replaced effectively?

I have submitted a copy of this letter to the Armed Forces High Command.

Heil Hitler!
[Signed] PLEIGER

TRANSLATION OF DOCUMENT NOKW-307
PROSECUTION EXHIBIT C-88

LETTER FROM DEFENDANT KOERNER TO SPEER AND MILCH, 27 JUNE 1943, REQUESTING A MEETING OF THE CENTRAL PLANNING BOARD AND TRANSMITTING A TELEGRAM FROM GOERING'S OFFICE CONCERNING BUNA PRODUCTION AND MANPOWER REQUIREMENTS

83/439 K. Berlin W 8, 27 June 1943
Leipziger Str. 3

The Reich Marshal of Greater Germany
Plenipotentiary for the Four Year Plan
The State Secretary [Handwritten] Speer
Z. P. 170 Top Secret

Special Delivery

[Initial] MI [Milch]
28 June *Immediate Delivery*

[Stamp] *Top Secret!*
2 copies—2d copy

I have just received the enclosed urgent telegram from the Reich Marshal. I enclose a copy and ask you to fix a date for a discussion of the question.

Signed: KOERNER

Certified.
[Signed] STEFFLER

[Illegible handwriting]
[Initials] MI [Milch]
a. Reich Minister Speer, first copy
b. Field Marshal Milch, second copy

Top Secret

Copy

Teletype office, 2074 [Stamp] Top Secret
Received 26 June at 2055 hours, from Asien, through Ronedff
KR-RM ASIEN 0323 26/1 2020 DGZ—
To the "Central Planning" for attention State Secretary Koerner
Berlin, Leipziger Platz 11.

Secret—urgent—immediate delivery

In a report made in connection with the air raid on the Huels Chemical Works,* the Plenipotentiary General for Special Questions of Chemical Production has requested the following measures in order to guarantee the production of buna.

a. For partial reconstruction of Huels—

(1) 1000 men from the Organisation Todt are to be made available on the spot. The central offices and the local offices of the Organisation Todt are informed as to the types of skilled labor required.

(2) Further, the assignment of approximately 250 specialized mechanics is necessary.

(3) About 4,000 tons of iron must be provided for the reconstruction.

b. It must be immediately guaranteed, by the assignment of 40 specialists, namely mechanics and electricians, that the work still necessary in connection with the completion of the buna factory in Ludwigshafen will be finished. All the efforts made to obtain the above-mentioned manpower from labor sources have led to very little success. Continual delays arise in finishing the job, the result of which is that the full capacity originally planned for the middle of 1943 will now only be reached at the end of 1943 at the earliest.

c. This request holds good to an even greater extent of the Auschwitz works which are under construction in Upper Silesia. There is a shortage of mechanics and electricians here too, just now, to carry out the installations rapidly in order that the production of carbides and acetaldehyde can be started by the end of 1943. It is also just as important to finish the following stages of the buna synthesis through increased employment of workers, which has to be started immediately and can be achieved, then, by February/March 1944.

* Huels was one of the factories of the I.G. Farben concern. See the materials on the I.G. Farben case, volumes VII and VIII, this series.

d. Since there is not enough iron available for the extension of chemical industries one had to decide 2 months ago, in consequence of the iron situation, to decrease the buna production in Upper Silesia (Auschwitz) from 30,000 to 20,000 tons yearly of buna; that is, of one-third.

In view of the recent development, the production in Auschwitz shall be carried out to the full extent of the original planing, that is, under priority No. 1.

This seems the only possible way, in case of increased air raids, to avoid a complete stopping of the rubber supply in Germany.

Moreover, the Plenipotentiary General for Special Questions of the Chemical Production deems it necessary to create another production capacity in the East in the amount of about 20,000 tons yearly of buna.

The Reich Marshal has ordered the Central Planning Board to examine the requirements fixed as above without delay and, inasmuch as they are justified, to immediately take the measures necessary for their realization. The Reich Marshal is expecting to get a report on the measures taken.

The Personal Referent of the Reich Marshal for
Greater Germany
DR. ING. GOERNNERT
Ministerial Counselor

PARTIAL TRANSLATION OF DOCUMENT R-124
PROSECUTION EXHIBIT 2261

EXTRACTS FROM A REPORT ON THE RESULTS OF THE 43D MEETING OF THE CENTRAL PLANNING BOARD, 2 JULY 1943, CONCERNING I.G. FARBEN BUNA PLANTS, INCLUDING LABOR REQUIREMENTS AND PLANS FOR THE UTILIZATION OF CONCENTRATION CAMP INMATES*

Berlin W 8, 2 July 1943
Leipziger Str. 3

The Commissioner for the Four Year Plan
Central Planning Board
Z.P. 152 g Rs

[Stamp] Top Secret

25 copies—24th copy

Results from the 43d session of the "Central Planning" Board, held on 2 July 1943

I. Reconstruction Huels
II. Extension of buna production
III. Special questions on chemical production

I

Object of the discussion on I and II is the Reich Marshal's teletype of 26 June.

Director Ambros, of the I.G. Ludwigshafen, surveys the extent of the damage inflicted on the factory in Huels, and the possibilities of reconstruction. Huels worked in 6 production stages. Stages 1 to 3 had been heavily hit, and 4 to 6 least. Requirements would therefore be—at the present moment—supplies from other factories of semimanufactured products, to replace stages 1 to 3. This has been initiated and 1000 tons of buna (compared with 3800 tons up to now) can by this means be produced again in Huels as from 1 August. As from September/October, Huels will again be able to produce on its own, provided that the following requirements concerning labor and iron are fulfilled:

The labor requirements are—

1. Five hundred and twenty-five building trade workers of the O.T., to start work not later than 15 July (the original demand of 1,000 to 2,000 O.T. workers is ruled out since the entire personnel has stood together and could be set to work at once to do the most urgent repairs).

* This meeting was attended by Carl Krauch, Plenipotentiary General for Special Questions of Chemical Production, and Otto Ambros, member of the Managing Board of the I.G. Farben concern. Krauch and Ambros were defendants in the I.G. Farben case (vols. VII and VIII, this series).

2. One hundred and seventy-eight technically skilled workers, not later than 10 July. The I.G. [Farben] has already been able to appoint 70 people through internal help, the remainder is to be detailed from the mineral oil brigade.

3. Three hundred and fifty men from the Engineer Instruction Company, the Reich Labor Service and the Air Force Construction Company, to start work at once. Preparations have already been initiated.

4. Barring the sending away of the Italian specialist workers (114 technical experts and 122 production technicians), the Central Planning Board promises the fulfillment of the demands 1 to 4. Details are to be discussed between I.G. [Farben] and Waeger/Nicolai.

The requirements of iron amount to around 4,000 tons. The reconstruction in Huels should only apply to parts which can quickly be restored for production. Whatever can be put into operation more effectively elsewhere is to be transferred (for instance power stations Huels to Auschwitz). The allocation of iron is promised by the Central Planning Board; half the quantity has already been assigned.

The sending of military judges [Kriegsgerichtsraete] to the factory, who, by lengthy interrogations, impede a speedy reconstruction, is to be stopped at once (Koerner/Hammerstein).

II

To ensure a capacity of 20,000 tons of buna in the factory at Auschwitz, now being extended, it will be necessary—

1. To stop further removals of workers from Auschwitz, and to transfer workers from the building sector to the assembly sector.

2. To engage an additional 1,000 skilled production workers (400 for buna, 300 for aviation gasoline, 300 for PS-primary products). Of these, 200 workers have already been placed at the disposal of Auschwitz by compulsory transfers from the I.G. [Farben], but it will be necessary for the I.G. [Farben] to be compensated by 200 foreign workers.

3. That the Auschwitz area be pacified. For this purpose weapons must be supplied (hand grenades, machine guns, and ammunition) in order to arm the factory personnel, and a home guard [detachment] must be ordered there (about 2 to 300 men). The order for the Home Guards has already been given. It is to be accelerated.

4. That, in addition, prisoners from the concentration camp Auschwitz be made available.

The Central Planning Board promises the fulfillment of the demands 1 to 3. Details are to be settled by Waeger/Nicolai/

Timm. As regards demand 4, Reich Leader Himmler is to be approached forthwith (Koerner).

* * * * * * *

The plans for a new buna factory are to be drawn up in every detail; if possible located in the "General Government" (location Zistersdorf and Slovakia is turned down). The decision about starting the building will be made as soon as the situation, particularly in the West, can be definitely surveyed. For a capacity of 20,000 tons of buna, 26,000 tons of iron will be needed for the preliminary stages, and 5,000 tons of iron for the polymerization.

* * * * * * *

DR. STEFFLER

Present:

Reich Minister Speer
State Secretary Koerner
Brigadier General Waeger
Ministerial Councillor Wissmann
Lieutenant Colonel V. Nicolai
Dipl. Engineer Teuscher
Oberbaurat Imm
} Reich Ministry for Armament and Munitions

President Kehrl
Director Kolb
Dr. Eckell
} Reich Ministry of Economics

Head of Ministerial Department, Steffler — Four Year Plan

General Engineer Sellschopp
Government Councillor Moor
} Reich Air Ministry

Ministerial Dirigent Timm — Plenipotentiary General for Labor Allocation

Prof. Krauch — Plenipotentiary General Chemical Industry

Director Ambros — I.G. [Farben Industrie]

* * * * * * *

PARTIAL TRANSLATION OF DOCUMENT NO-1831
PROSECUTION EXHIBIT 2385

EXTRACT FROM THE RECORD OF THE CONFERENCE OF 13 JULY 1943 IN THE EAST MINISTRY ATTENDED BY DEFENDANTS KOERNER AND BERGER, CONCERNING LABOR EMPLOYMENT IN THE REICH UNDER "SPECIAL CONSIDERATION OF THE CONDITIONS IN THE OCCUPIED EASTERN TERRITORIES"

Main Division II — Berlin, 20 August 1943
Diary No. H.A. II/V I secret/101/43
Reporter: Senior Government Councillor Hermann

Conference Memorandum

Subject: Problems concerning the employment of labor in the Reich under special consideration of the conditions in the Occupied Eastern Territories

Time: Tuesday, 13 July 1943, 1700 hours

Place: Berlin, Reich Ministry for the Occupied Eastern Territories, Unter den Linden 63

Chairman: Reich Minister, Reichsleiter Rosenberg

Participants:

Gauleiter Dr. Meyer
Gauleiter Sauckel
Gauleiter Koch
State Secretary Backe
State Secretary Koerner
SS Lieutenant General Berger
Commissioner General Kube
KVV Chief Matthiesen
The heads of the Main Divisions and Main Groups of the Reich Ministry for the Occupied Eastern Territories, as well as a few gentlemen from the Plenipotentiary General for Labor Allocation and the Economic Staff East and from the Reich Ministry for Armament and Munitions

Reich Minister Rosenberg declares the meeting open and gives expression to his opinion that certain problems concerning the East require general discussion. The tasks and problems on hand and their development should be regarded from the point of view of the Reich, and as a whole [Gesamtkomplex], and should be dealt with in future from this standpoint. Reich Minister Rosenberg deals in detail with the importance of the Eastern Territories, the demands put to the Eastern Territories by the Reich, as well as the problems concerning food, industry and man-power. The changes in the situation concerning bands are pointed out.

Due to the duration of the war, and favored by the size and the geographical features of the territory, this situation has become a serious danger. The combating of bands, which has recently been consolidated under the command of the Reichsfuehrer SS and produced results by several large scale operations, is discussed. Reports from regional and district commissioners of partisan territories, showing clearly extent and effect of partisan activity, are read out in excerpt by the Minister. Then the demands of the Armed Forces, the OT, the national economy, and, in particular, the demands for manpower, are enumerated and the difficulties arising from the duplication and overlapping of work are clearly pointed out. Reich Minister Rosenberg points to the urgency and the usefulness of coordinating all demands and tasks connected with the East. Then the manpower problem, being of primary importance, is discussed, including all the difficulties connected with recruitment, transportation, and the drafting of more age groups to safeguard the supply of manpower. Reich Minister expresses his thanks to the Plenipotentiary General for Labor Allocation, Gauleiter Sauckel, for the understanding he has shown and his cordial cooperation. The self-understood support of the Plenipotentiary General for Labor Allocation in his tasks as laid down by the Fuehrer is discussed.

* * * * * * *

Gauleiter Sauckel gives an impressive picture of the labor allocation situation in the years 1942/43. Gauleiter Sauckel states: In the year 1942, conditioned by the winter campaign 1941/42 and its consequences, large forces of labor were brought to Germany to replace the newly drafted 1½ million soldiers and for the enlargement of the Fuehrer program. Due to the large number of workers still existing in Europe in the year 1942, the number of 3 million was reached. Losses in troops and in territory, as well as the new Fuehrer program, entailed new great demands on the labor allocation. The demand was met with 1.1 million foreigners and 1.3 million German women and men from the action of 27 February 1943 and by hundreds of thousands through the action of stopping work in certain enterprises.

* * * * * * *

In connection with the problem of the treatment of the workers, Gauleiter Sauckel referred to the directives governing the treatment of workers from the East, issued at the time when he took on the task. He was resolved to punish severely serious violations. The performance of the workers from the East, in particular of the Ukrainian women, whose performance outstripped that of all foreign men, is praised. Thereupon, Gau-

leiter Sauckel emphatically objects to being blamed for the sharp increase of partisan activity and points out that in the regions which had furnished the largest numbers of workers, partisans can hardly be found. In conclusion Gauleiter Sauckel demands a unified fixing and coordination of demands for labor-power. His responsible delegate for the Occupied Eastern Territories was the leader of the Main Department Labor in the Reich Ministry for the Occupied Eastern Territories, State Counselor Peukert.

Commissioner General Kube also demands obligatory reporting by the Railroad Administration.

Gauleiter Sauckel agrees, asks the Reich Minister for his support and generally demands an economical utilization of the still existing European manpower.

Reich Minister Rosenberg points out special mistakes in the transport and in the assignment of Eastern laborers, and asks that misdirecting and overlapping be eliminated in the future by coordinating the total demands.

Gauleiter Sauckel states that 700,000 Eastern laborers are immediately needed for industry and 150,000 for agriculture. Beyond this, the continuous fluctuation owing to quitting, illness, and death necessitates constant new raising of Eastern laborers. Besides, he had the intention of granting a well-deserved leave to efficient Eastern laborers.

State Secretary Backe in this connection deals with the problems of transport and food supply. According to his statements, the Eastern laborers are well-fed at present. Further import of foreign manpower would cause great difficulties in the food situation. France for instance, together with the assignment of manpower, had to furnish the corresponding contingent of food supplies; equally, the amount of supply to be furnished by the Occupied Eastern Territories will still have to be considerably increased. Attention was given to the statement that the amount of grain needed in the 5th year of the war was 5 times as high as in the first year of the war.

Gauleiter Sauckel is also of the opinion that a higher amount of food stuff as well as of manpower must be taken out of the Occupied Eastern Territories. Quoting examples, Gauleiter Sauckel gives a survey of the black market dealings which makes it possible to lay hands on additional food and consumer's goods for the Reich. In addition, the existing difficulties concerning the food situation of the German workers above and over 45 years of age are emphasized.

Reich Minister Rosenberg also deals briefly with the food problem under discussion and, on the basis of reports of several Com-

missioners General, points out the difficulties and losses in the production and collection resulting from guerrilla activities.

Gauleiter Sauckel acknowledged the difficulties. *Reich Minister Rosenberg* cited as an example of the extent and the gravity of the partisan danger, the conditions in the District General Shitomir where, according to a report of the Commissioner General, 4500 people, Germans as well as indigenous persons, had been killed within one year.

SS Lieutenant General Berger draws an impressive picture of the situation with regard to the partisans and the fight against them, with all its difficulties, but, also, its successes. The excellent combat activity of a Sonderkommando, of the Death Head Division [Totenkopfdivision], and last, but not least, of the Police units, which are partly composed of older reservists, are mentioned. SS Lieutenant General Berger stresses the fact that the combat against partisans will now be continued under the uniform authority of the Reich Leader SS by means of large-scale operations. After a large-scale operation in the Government General, actions will now be undertaken in the Ukraine, in the District General White Ruthenia, and finally again in the Ukraine.

Gauleiter Sauckel referred subsequently to the necessary assignment of 300,000 prisoners of war from the East for mining. Gauleiter Sauckel suggests to declare the partisan territories to be theaters of operations and to evacuate them, that is, to bring the men who are suitable for mining to the mines in the Reich, and part of the women, to work on the land. The rest of the women and children, on the other hand, to be assigned for agricultural work in the Occupied Eastern Territories.

Gauleiter Koch demands the demobilization of the so-called Liberation Army Vlassov and the labor commitment of the Hilfswilligen.* A corresponding order by the Fuehrer, which will leave no doubt concerning this matter, will have to be initiated. Gauleiter Koch discusses then the overstaffed military administration in the Army Rear Area, where about half a million men are not employed to full capacity. The demand for the closing down of the Army Rear Area has to be submitted at once. The civil administration would carry out the task of the military administration in the Army Group Rear Area [rueckwaertiges Heeresgebiet] with a small staff. The dissolution of the Army Group Rear Area would release Germans and indigenous personnel for other jobs. In addition, the 1½ million Hilfswilligen could be transferred by Gauleiter Sauckel for labor allocation in the Reich. All other measures would only be, and remain, half measures.

* The term "Hilfswilligen" or "Hiwi," literally "those willing to help," refers to members of indigenous auxiliary units of the German military forces in the East. The Hiwi were mainly engaged in noncombatant tasks such as labor and servicing details.

Reich Minister Rosenberg states the unanimous opinion of all participants with regard to the decisive questions of the Army Group Rear Areas and the request for screening the Hilfswilligen and emphasizes the fact that he had voiced the same opinion on the occasion of his visit to Field Marshal von Manstein. Reich Minister Rosenberg considers the Army Group Rear Areas institution [Einrichtung] in the present situation as not answering the purpose from the political and economic point of view.

State Secretary Koerner promises to support the motion of closing down the Army Group Rear Area before the Reich Marshal.

Reich Minister Rosenberg considers the transfer of the territories Crimea, Eastern White Ruthenia, and perhaps Stalino, to the civil administration as necessary.

Gauleiter Sauckel describes a discussion with Field Marshal von Manstein and discusses in detail a demand of the latter for the assignment of 500,000 men for work on fortifications. Field Marshal von Manstein justified this demand with the bad working performance of the Eastern workers which amounted to not more than a third of that of the Germans. In addition, Field Marshal von Manstein demanded the assignment of members of the Labor Service as foremen for the carrying out of the fortification work.

Commissioner General Kube agreed with the statements of Gauleiter Koch and mentioned approvingly the anti-partisan operations of SS Lieutenant General von dem Bach and SS Brigadier General Gottberg. Commissioner General Kube emphasized that the larger part of White Ruthenia was under military administration. It would be absolutely necessary to transfer it to the civil administration. The well-founded indication that the combating of partisans by large-scale actions should run parallel to the work of the raiding detachments found due regard. Commissioner General Kube was of the opinion that White Ruthenia would be able to furnish the labor contingent as demanded by the Plenipotentiary for Labor Allocation, if entire areas were evacuated and the population transferred to the Reich, family by family. Any breaking-up of families would only cause considerable unrest in the land. Moreover, the evacuation must be carried out along peaceful lines under all circumstances, and the transportation and all other measures must be well planned and the treatment must be decent. Labor recruiting of the OT and labor allocation by the OT of Poles for the purposes of peat cutting and for the production of fuel is discussed in detail and described as undesirable. Any withdrawal of labor by the OT must be entered on the credit side of the District General by the Plenipotentiary for Labor Allocation.

Gauleiter Sauckel emphasizes the absolute duty of the OT to report to the Plenipotentiary General for Labor Allocation.

Commissioner General Kube then deals in detail with the Jewish problem in White Ruthenia, where 16,000 Jews are still at work for the Wehrmacht in the enterprises for the construction of farmers' carts, mainly at Minsk and Lida. The planned evacuation of the Jews is advocated by the Commissioner General, but their replacement by other labor is requested at the same time so that the production program will be maintained.

Gauleiter Dr. Meyer mentioned the resettlement of 22,000 Jews and the concentration of 50,000 Jews in concentration camps in the Eastern Territories and emphasizes that the same must be replaced by the Plenipotentiary General for Labor Allocation.

The Chief of War Administration Kueper points to the work of 400,000 Poles in White Ruthenia who, except for some men in leading position, could not be replaced. The southern fertile steppes of the Ukraine which, in addition, have good labor must be spared, it was said. The report that there were, for example, 800,000 hectars of spring planting in the District General of Nikolaev, and that 200,000 of them would have to be cut with machines and the rest by hand, was given due attention. The same conditions prevail in the District General of Dnepropetrovsk and in the Crimea, while conditions are more favorable in the northern districts.

In case of any intended evacuation, the Chief of War Administration Kueper requests that Zone 2 of the District General of Volhynia should be spared, because it is a fertile district (350,000 tons of grain, 40,000 tons of livestock, 8–10,000 tons of fat).

SS Lieutenant General Berger mentions the labor allocation of Jews in concentration camps for the purposes of the clothing and armament industry, and for the production of shale oil.

Gauleiter Sauckel has no objection to such allocation but says that he will not be able to replace withdrawn labor at present.

Chief of War Administration [*KVV Chef*] *Matthiesen* refers to the order of the Reich Leader SS relating to the concentration of Jews in concentration camps which, however, must not result in losses of production. The labor situation in the Eastern Territories is then treated in detail. Chief of War Administration Matthiesen stresses the deportations by the Russians which amount to 10 percent in Estonia, and to 6 percent in Latvia. In addition, as a result of the establishment of Armed Forces units and indigenous police units of the SS, the existing labor situation is weak. A sizeable contingent of Hilfswilligen has also been established whose transfer to the Legion was welcomed.

953402—52——65

SS Lieutenant General Berger emphasizes that apart from the replacement units for the Latvian Division[1] of 5,000 men and the Esthonian Division[2] of 12,000 men, no further inductions, or rather transfers, are to be effected. *KVV Chief Matthiesen* suggests that the Hilfswilligen who have already been inducted be put at the disposal of the SS. A stronger recruiting campaign is considered impossible by KVV Chief Matthiesen in view of the existing partisan danger, and especially since Latvia and Esthonia have been exhausted of manpower. KVV Chief Matthiesen then mentioned the treatment of the Latvian and Esthonian women during their labor assignment in the Reich. The request is made that they receive special treatment.

Gauleiter Sauckel asks SS Lieutenant General Berger for support in the changing of the instructions pertaining to treatment, and addresses the questions to Reich Minister Rosenberg whether Lithuanian women also fall under this regulation.

* * * * * * *

Reich Minister Rosenberg closes the meeting with a vote of thanks to all present, expressing his satisfaction that all suggestions for assisting Gauleiter Sauckel had been carried unanimously and stated that he would report the result to the Fuehrer. Reich Minister Rosenberg hopes that in view of the planned relocation to the East of industrial production, another conference would be convened here.

[1] Reference is apparently to the 15th SS Infantry Division.
[2] Reference is apparently to the 20th SS Infantry Division.

TRANSLATION OF DOCUMENT NO-3370
PROSECUTION EXHIBIT 2376

MEMORANDUM FOR THE RECORD OF DEFENDANT BERGER ON THE CONFERENCE OF 13 JULY 1943[1] IN THE REICH MINISTRY FOR THE OCCUPIED EASTERN TERRITORIES, CONCERNING LABOR RECRUITMENT IN THE EAST AND OTHER MATTERS, AND ATTENDED, AMONG OTHERS, BY DEFENDANTS BERGER AND KOERNER

[Stamp] Personal Staff of the Reich Leader SS
Document Control
Secret/113

The Reich Leader SS
Chief of the SS Main Office
CDSSHA/Be/W/VS-Diary-No. /43 top secret
Adjutant's Office No. /43 top secret

Berlin, 14 July 1943

Memorandum for the Record

On 13 July 1943, 1700 hours, a conference in the Reich Ministry for the Occupied Eastern Territories took place. Among those present were Koch,[2] Sauckel, Kube,[3] Meyer,[4] Koerner, Backe, and other gentlemen of the Ministry. I cannot help feeling that the conference was originally called in order to sing again the old tune: "Get rid of the partisans, or you'll get no grain." After an introduction by Reich Leader Rosenberg, which contained nothing new, Sauckel spoke about the total labor assignment. He pointed out on this occasion that we had put to work 3 million people from the East and the West in 1942; in addition there would be in 1943, 1.3 million women from Germany and 1.1 million foreigners. With the assignment of the German women, the German potential was completely exhausted. Furthermore, there was no large labor force obtainable from the West unless the states would be compelled to furnish the very same number of workers which they would assign if they were at war with Germany. For this reason, the assignment of people from the East was necessary to an especially high degree. Here he placed very special emphasis on the women from the East. After half a year of training there would be very many Ukrainian women who in the high-class industries, for example, at Zeiss in Jena, would already surpass the efficiency curve of German skilled workers. The Reich Commissioners stated that they, for their

[1] The official minutes of this conference are contained in Document NO-1831, Prosecution Exhibit 2385, reproduced in part immediately above.

[2] Erich Koch, Gauleiter of East Prussia, Reich Commissioner for the Ukraine.

[3] Wilhelm Kube, Reich Commissioner of White Ruthenia.

[4] Alfred Meyer, Gauleiter of Westphalia North and permanent deputy of Rosenberg in the Reich Ministry for the Occupied Eastern Territories.

part, would be unable to supply large numbers of additional workers, and pointed out the immense number of Hilfswilligen who would number between 600,000 and 1.2 million. According to Backe, there are 1.4 million who, to be sure, are being fed, but have not been usefully employed. It was further shown through a number of examples how the rear echelons had sucked themselves full like sponges, and there were countless agencies which had five or six times the personnel originally assigned to them even for the heaviest workload. State Secretary Backe mentioned the unfolding of all these questions relating to the food potential. Today Sauckel is to see the Fuehrer for the purpose of discussing these questions with him.

After the partisan activity had again been broached, I rejected all accusations most strongly and once and for all stated I would not tolerate any interference with the jurisdiction of the Reich Leader SS by people who don't understand a thing and who furthermore—and this, I said, was the saddest thing I had experienced—are deceived by any atrocity tale [Tartarenmeldung] from any savage native [wilden Einheimischen] and would put it before the Reich East Ministry with suitable quotations and added frills. Koch supported me and pointed out that it was quite ridiculous to speak so much of partisans. For the rest, the situation was such that in the agricultural districts there were hardly any partisans left, as was well-known, but more in the wooded areas from which not many agricultural products, except timber, could be extracted.

Sauckel defended himself very strongly, too. In the East Ministry one had always spoken as though his actions had called the partisans to life. He had received clear orders from the Fuehrer, and without the support afforded him by Koch, many Tiger and Panther tanks would not be in operation today.

This, for the first time, was a conference at the East Ministry where not only I spoke clearly and distinctly, but others, too! And that was the only good feature of the matter.

In the following points I ask for a decision of the Reich Leader SS:

1. Estonian and Latvian women who enter the Reich are treated in exactly the same way as women from the East. They have to sign a declaration promising, among other things, that they will not have sexual intercourse with Germans. But frequently they are wives, sisters, or fiancees of SS members who suffered greatly under the Bolshevists and want to join voluntarily. I ask that the Estonian and Latvian women be excepted from the usual regulations concerning women from the East.

2. Lithuania has not been worked upon at all as far as labor is concerned. The police forces in that district are too weak, however, and say that, in case labor is conscripted by force, there would be large partisan gangs. I would suggest that, after the termination of the actions in Central Russia and North-Ukraine, a strong action for labor conscription in Lithuania is initiated.

3. By order of the Reich Leader SS, the Jews in Minsk must either be resettled or turned over to a concentration camp. Now, Kube has in his district a large farm cart factory with 4,000 Jews, and says that he would have to close down this factory immediately if the Jews were taken away. I suggested to him to contact the Reich Leader SS via the Higher SS and Police Leader [of Ostland] and perhaps to convert this factory into a concentration camp. This would mean, however, that he would lose them but since, as he says, only cart production is concerned, this would not mean a sacrifice for him.

End of conference 1945 hours. Koch took French leave about 1800 hours.

[Handwritten] [Signed] BERGER
SS Lieutenant General

Certified.

[Signed] ROESCH
SS Second Lieutenant and Adjutant

TRANSLATION OF DOCUMENT NO-3304
PROSECUTION EXHIBIT 2377

LETTER FROM RUDOLF BRANDT TO DEFENDANT BERGER, 20 AUGUST 1943, RESPONDING TO BERGER'S NOTE OF 13 JULY 1943 AND GIVING HIMMLER'S DECISIONS ON THE THREE POINTS RAISED BY BERGER'S NOTE

The Reich Leader SS
Personal Staff
Diary No. 1724/43 Secret

Field Command Quarters
20 August 1943

[Stamp] Personal Staff Reich Leader SS
Document Control
Secret/113

Bra/H

[Stamp] Secret

To SS Lieutenant General Berger
Chief of the SS Main Office
Berlin

Dear Lieutenant General:

The Reich Leader SS has seen your note about the conference at the Reich East Ministry of 13 July 1943.*

At the end of the note you asked for three decisions of the Reich Leader SS which unfortunately I have not yet communicated to you.

Re No. 1. The Reich Leader SS has decided that, of course, the Estonian and Latvian women who come to the Reich must not be treated like the other women from the East. I have today written to the Chief of Security Police and the SD but ask you to get in touch with the Reich Security Main Office from your end as well.

Re No. 2. The Reich Leader SS has noted that sufficient forces for the labor conscription in Lithuania will be allocated at the proper time when the fighting of partisans and other conditions permit this.

Re No. 3. The decision is that by order of the Reich Leader SS, the Jews are to be taken out of Minsk and to Lublin or to another place. The present production can be transferred to a concentration camp.

Heil Hitler!
Yours,

[Initials] R. B. [Rudolf Brandt]
SS Lieutenant Colonel

* Document NO-3370, Prosecution Exhibit 2376, reproduced immediately above.

(2) Counterintelligence Office Suchanek
(3) SS Captain Faelschlein
(4) To the file [illegible initials]
6.10

TRANSLATION OF DOCUMENT NG–5701
PROSECUTION EXHIBIT 3788

LETTER FROM DEFENDANT PLEIGER TO SAUCKEL, 5 AUGUST 1943, RECOMMENDING STEPS TO BE TAKEN WITH RESPECT TO EASTERN WORKERS WHO LEAVE JOBS IN THE COAL MINES AND NOTING THAT THE SAME LETTER HAS BEEN SENT TO HIMMLER AND KALTENBRUNNER

5 August 1943

Gauleiter Sauckel, Plenipotentiary for Labor Allocation
Berlin SW 11, Saarlandstr. 96

Dear Party Member Sauckel,

For a long time I am informing the labor employment authorities that the Eastern workers, Poles and also Ukrainians employed in coal mining, are leaving their jobs in great numbers. Reasons therefore are, dislike of work in the mines in general, particularly strong among workers from different plants and, in first line, among those transferred to the mines from agriculture. In Western German areas the effect of enemy bombing is added, which is getting these Eastern workers out on the road in dangerous numbers, and to looking for a more convenient and secure job. Already now it has gained such an extent that in my opinion, aside from the results on production, the security of the country, too, is seriously in danger. As countermeasures, absolutely necessary, the following steps should be taken:

1. To make it possible to get hold of fugitives, the name of the plant, its Reich plant number or the number of the Labor Office is to be stamped durably into the individual underwear and clothing of the Eastern worker, etc. In addition, each Eastern worker is to be given an identification tag and an identification card (work book) containing his picture. Both must indicate in figures which is the Labor Office dealing with his employment, and where he is employed. The plan already considered of organizing a Reich card index with finger printing appears to me to be very advisable.

2. The Eastern workers have to confirm with their signatures that they were told to report immediately to the plant the loss of the identification tag and of the identification card, and that the neglect to do that or the removal of the marks in the clothing is

subject to severe punishment (concentration camp for a longer period).

3. Eastern workers and Poles caught when trying to escape, and also Ukrainians escaped or not returned from their vacations, are to be taken back on principle to the plant which they had left without permission. An agreement of this sort is in existence between the Reich Leader SS and the Plenipotentiary General for Labor Allocation. However, it was not applied in regard to Eastern workers, and to the others evidently only rarely applied. Even if the place where they are caught is very distant from the place where they had their old job, the workers have to be taken back, and that has to be done for reasons of education in respect to the other Eastern workers, and also in order not to reduce the distance in case of a second escape.

4. Should a treatment by the state police be considered to be necessary, then it is to be limited to an assignment to the labor education camp [Arbeitserziehungslager] for the duration of 6 weeks at the utmost. (A longer duration of the reeducation has shown itself to be of no good effect on the capacity of work of the escapees.) Only in particularly grave cases is the escapee to be put into a concentration camp.

5. The directives according to which the labor allocation authorities allocate workers of no distinct origin only after [obtaining] a definite and flawless clearance, and then only in agreement with this regulation, and according to which public and private establishments are not permitted to employ workers without their express allocation by the labor office which is competent to do that, should be remembered in view of the considerable shortage of labor and should be enforced.

6. In the execution, and in making known these regulations, I think the following points are particularly important: just like today any German may be requested at any time to establish his identity, just as it is a matter of course that all members of the Wehrmacht have an identification tag and a pass, the foreigners too must be given an identification tag of their plant and a pass. In my opinion one could do away with the mark "East," especially as it is looked upon as a sort of defamation. The Eastern workers and the other foreigners must be given to understand that these regulations are corresponding to what is required of the Germans too. In the interest not alone of the labor employment situation in coal mining, but also and primarily of the security in some mining areas, I should be grateful to you if you would consider the above suggestions as soon as possible, if necessary make amendments to them, but at any rate realize

them very soon. I have sent identical letters to the Reich Leader SS Himmler and to the Chief of the Security Police, Dr. Kaltenbrunner.

Heil Hitler
Yours
[Initial] P [Pleiger]

TRANSLATION OF DOCUMENT NG–5703
PROSECUTION EXHIBIT 3791

LETTER FROM DEFENDANT PLEIGER TO REICH MINISTER SPEER, 30 AUGUST 1943, CONCERNING LABOR ALLOCATION AND TURNOVER IN THE COAL MINING INDUSTRY AND RECOMMENDING DISCIPLINARY MEASURES FOR FOREIGN WORKERS LEAVING THE INDUSTRY[1]

30 August 1943

To Reich Minister, Prof. Dr. Speer
Berlin-Charlottenburg

[Handwritten] To the Files 9 September

Dear Party Member Speer,

Enclosed I send you a study concerning the *development of the personnel in the coal mining industry* during the month of July and for the period from 1–20 August of this year.[2] In conclusion it shows that from 1 July–20 August, 54,375 workers had been allocated to coal mining. 14,942 thereof were Eastern workers and 20,630 PW's. Extraordinarily high is the number of those who, during the same period, had left their job, namely, 42,477 which is 78.1 percent of all workers put to work, thereof 21,311 Eastern workers and PW's. Due to this high figure of men who had left, the net addition from 1 July–20 August is only 11,898. The total personnel in German coal mining was at the end of June, 926,738; and on 20 August, it was 938,636.

Already on 5 August when I received the first evidence as to the quickly increasing figure of the men who had left, I contacted with identical letters, Gauleiter Sauckel and the Chief of the Security Police, asking for a more stringent control on foreigners. I am enclosing a copy of this letter.[3] I am convinced that by

[1] The document offered in evidence was a carbon copy found in the Watenstedt-Salzgitter files of the Hermann Goering Works. It was marked "To the files" on the first page, but it contained no indication of the author by a letterhead or typed signature. The reference in the second paragraph to the letter of 5 August 1943 to Sauckel (see Doc. NG–5701, Pros. Ex. 3788, reproduced immediately above) identified the author. In testifying about this carbon copy Pleiger said (Tr. p. 15,363): "It does not show my initials, but I think that this letter was sent out. I cannot say, however, with certainty."

[2] This study was not a part of the document offered in evidence.

[3] Pleiger's letter of 5 August 1942 to Sauckel is reproduced immediately above as Document NG–5701, Prosecution Exhibit 3788.

far the greater part of the foreigners are finding other jobs somewhere else in Germany. However, means and methods must be found to bring these workers back to their job in the mining industry, or else the flight from mining will continue to increase if the men remaining on their job see that their compatriots are free to leave their working place. The Labor Allocation Offices which today possibly even welcome any additional labor in their district coming from any other district, must be given the strictest order to put these men back on a job in the mining industry.

This frequent leading of a vagrant life of these foreigners brings about, in all cases, losses in production to a considerable degree. The great lack of discipline of the foreigners becomes noticeable in first line in mining industry, as two Sunday shifts are involved and work in the mines for people not used to it is particularly difficult and dangerous.

Means and methods must be found to make these escapees return to the mining industry as fast as possible. In this connection camps should be set up in the mining areas, or departments in camps already existing, for the educational discipline of these people when caught. Furthermore, it appears to me to be a necessity that a strongly worded order should be given, not only to the Labor Offices but also to all employers, stating that the persons employing men having left their mining job are subject to punishment.

With regard to the causes for the poor production in Upper Silesia I have received very recently a report from the manager on the district group Upper Silesia which I am making known to you by an enclosed copy.*

Heil Hitler!

* This copy was not part of the document offered in evidence.

TRANSLATION OF DOCUMENT NO–3099
PROSECUTION EXHIBIT 3356

TELETYPE FROM GAULEITER MEYER TO DEFENDANT BERGER, 2 SEPTEMBER 1943, CONCERNING THE ASSIGNMENT OF STRONGER POLICE FORCES TO LITHUANIA IN CONNECTION WITH LABOR RECRUITMENT DRIVES, AND LETTER FROM BERGER'S OFFICE REQUESTING THAT THE TELETYPE BE SUBMITTED TO HIMMLER, 7 SEPTEMBER 1943

I. Teletype from Meyer to defendant Berger, 2 September 1943

[Stamp]
Personal Staff Reich Leader SS
Administration of documents

Copy/Dr.

Secret!

SSD
RMOB No. 2013 2 Sept 1943 1620
SS Lieutenant General Berger
Field Command Post of the Reich Leader SS
Subject: Allocation of police in Lithuania.

In yesterday's meeting Commissioner General Dr. von Rentelen and Regional Commissioners explained that requisitions for labor by the Plenipotentiary General for Labor Allocation can only be fulfilled under present conditions if the securing of all members of age groups called upon is made possible through an allocation of stronger police forces. The Plenipotentiary General for Labor Allocation has made known that he urgently requires Lithuanian labor for the Reich armament industry. Before the Commissioner General called further age classes to fill the requirements of the Plenipotentiary General for Labor Allocation, SS Lieutenant Generals Jeckeln and von dem Bach declared, as reported here yesterday, that they could guarantee, and, in case of need, enforce success of these measures by employing police forces. Relying upon this promise, the Reich Commissioner [Gauleiter Lohse], in spite of most serious doubts of a different origin, approved the calling up of those classes. As sufficient police forces were actually not available, Lithuanians concerned were able to flee into the woods. Thereby not only making impossible at present the meeting of requirements but moreover [causing] most serious harm to the Lithuanian economy which supplies Army Group North with a considerable portion of its requirements, for employees who, in the interest of production in Lithuania, were to remain in their plants, also fled in masses

from factories. Therefore some factories have already compulsory induction of all called up classes. That is why some factories had to close already. Continuance of others is endangered.

Compulsory induction of called up classes no doubt will have considerable political reactions. Yet it has to be considered that the insubordination has spread considerably and the renunciation of the plan to carry through the mustering once ordered would severely harm the reputation of the Reich. Regional Commissioners, who were here yesterday, regarded as sufficient an increase of the police force in each Kreis district to 90–100 well-trained policemen, fit for independent duty. In order to carry through full authority of German national administration permanently—apart from the fact that especially such policemen will not be available—such measures would not have as quick a reaction as is required at present.

Reich Commissioner Lohse requested to protect all plants militarily important as well as agriculture against a decrease of manpower endangering success of work. However, I am of the opinion that at present the requirement of the considerably intensified German armament industry has preference. For reasons stated I ask to discuss with the Reich Leader SS the assignment of stronger police forces to Lithuania, the strength of which would have to be designated by [SS] Lieutenant General Jeckeln. It must be taken into consideration, however, that they cannot be withdrawn immediately after these labor allocation measures have been carried out, but that they will still have to remain there until conditions have generally been mitigated again, and that they will have to protect the continuation of production in Lithuanian factories. Please inform Reich Leader SS that in case strong police forces are not allocated, serious prestige losses and loss of considerable manpower for the German armament industry will result.

Ministry for the Eastern Territories, BSTV. 181 A/43 secret

Signed: ALFRED MEYER

2040 one (1) KA/SAHA

Certified true copy

[Illegible signature]

SS Second Lieutenant and adjutant

[Illegible shorthand notes]

2. Letter from Berger's office to Himmler's office, 7 September 1943

[Stamp]
Personal Staff Reich Leader SS
Administration of documents
File No. secret/264
Berlin-Wilmersdorf, 7 September 1943
Hohenzollerndamm 31
P.O.B. 58

The Reich Leader SS
Chief of the SS Main Office
Adj./Dr.Str./Dr./ Secret File No. 5582/43 secret
Adjtr. File No. 2794/43 secret
Answering please state a/m file No. and date
Subject: Allocation of police in Lithuania
Reference: Teletype letter of Gauleiter Meyer of 2 September 1943
Enclosure: 1 copy
To the Reich Leader SS, Personal Staff
c/o SS Lieutenant Colonel Dr. Brandt
Berlin SW 11
Prinz Albrecht-Str. 8
Dear Lieutenant Colonel!

By order of the [SS] Lieutenant General [defendant Berger] I transmit enclosed copy of a teletype letter of Gauleiter Meyer concerning allocation of police in Lithuania, requesting that it will be submitted to the Reich Leader SS.

Because of misdirection on the part of the East Ministry and the long absence of the [SS] Lieutenant General, transmission of the teletype letter has been delayed.

Heil Hitler!
[Signed] ROESCH
SS Second Lieutenant and Adjutant

[Stamp]
Personal Staff Reich Leader SS
Received: 7 September 1943
File No.
Initial

TRANSLATION OF DOCUMENT NOKW–260
PROSECUTION EXHIBIT 2260

LETTER FROM GOERING TO SPEER, MILCH, AND FUNK, 7 SEPTEMBER 1943, TRANSMITTING A COPY OF GOERING'S DECREE OF 4 SEPTEMBER 1943, PROVIDING FOR THE EXTENSION OF THE AUTHORITY OF THE CENTRAL PLANNING BOARD AND THE ESTABLISHMENT OF A PLANNING OFFICE

[Handwritten] St. 180/43 III secret
The Reich Marshal of the Greater German Reich
Plenipotentiary for the Four Year Plan

Berlin W 8, 7 September 1943
Leipzigerstrasse 3
Tel. 126341, 127071

[Stamp] Express letter [Stamp] Secret

[Handwritten] To the files
Central Planning
[Illegible initials] 8 September
V.P. 11294/1 g

I transmit enclosed my decree of 4 September 1943 as a supplement to my order of 22 April 1942—V. P. 6707 in respect to the Central Planning Board of the Four Year Plan. The Supreme Reich Authorities, the High Command of the Army, the High Command of the Navy, the High Command of the Air Force, the Military Commanders, the Reich Commissioners in the occupied territories, the Reich Protector, the Governor General, the Chiefs of the civil administrations, the Plenipotentiaries General, Plenipotentiaries, and Special Plenipotentiaries for the Four Year Plan have received a copy of the decree.

Certified.

Signed: GOERING
[Signed] SCHWINGE
Ministerial Registrar

To—

a. Reich Minister Speer
b. Field Marshal Milch
c. Reich Minister Funk

[Stamp]

The Reich Marshal of the Greater German Reich, Plenipotentiary for the Four Year Plan, Chancellery

---

Berlin, the 4 September 1943

[Stamp] Secret

The Reich Marshal of the Greater German Reich

President of the Ministerial Council for the Defense of the Reich and Plenipotentiary for the Four Year Plan

V.P. 11294/1 g

As a supplement to my decree regarding the Central Planning [Board] of the Four Year Plan (V.P. 6707 g of 22 April 1942)[1] and with respect to the changes in ministerial powers occasioned by the Fuehrer decree of 2 September 1943, concerning the concentration of economy, I give the following orders:

(1) I extend the powers given to my Plenipotentiary General for Armament Tasks [Reich Minister Speer] by my decree of 1 March 1942 (V.P. 4366), to cover all problems of production insofar as I have not appointed other plenipotentiaries general for this.

(2) Reich Minister Funk will enter the leadership of the Central Planning [Board].

(3) For the preparation of decisions of the Central Planning [Board] and in order to secure the coordination of war needs in all branches of economy, I am setting up a Planning Office under the Plenipotentiary General for Armament Tasks. It will be at the disposal of the Central Planning [Board] for all its tasks. The tasks and powers of the Planning Office will be fixed by the Plenipotentiary General for Armament Tasks, who, with my consent, will appoint the Chief of the Planning Office.[2]

Signed: GOERING

[1] Document NOKW-244, Prosecution Exhibit 2014, reproduced earlier in this section.

[2] Defendant Hans Kehrl was appointed Chief of the Planning Office.

PARTIAL TRANSLATION OF DOCUMENT NI-2031
PROSECUTION EXHIBIT 2016

SPEER DECREE ON THE AUTHORITY AND FUNCTIONS OF THE PLANNING OFFICE, 16 SEPTEMBER 1943*

The Reich Minister for Armament and War Production
The Plenipotentiary General for Armament Tasks in the Four Year Plan
ZA Org. 9000/2—1943 Berlin, 16 September 1943

Decree of the Plenipotentiary General for Armaments Tasks in the Four Year Plan and Reich Minister for Armament and War Production concerning the task of the Planning Office [Planungsamt], 16 September 1943

For the purpose of a uniform treatment of all fundamental questions concerning planning in the war economy, the Reich Marshal of the Greater German Reich, by decree dated 4 September 1943, has established a planning office for me.

In connection herewith I order the following:

I

1. The Planning Office prepares the decisions of Central Planning [Zentralen Planung] and it supervises their execution.

2. With regard to this, it shall arrange for the distribution of basic materials to consumers (i.e. iron, metals, coal, mineral oil, nitrogen, and other important raw materials).

3. As a basis for the work of Central Planning, the Planning Office shall draw up production and distribution plans for the entire German war economy whereby plans for requirements of all of Greater Germany are to form the basis. In doing so, import and export shall be taken into consideration. Total planning shall be carried out by the participating departments and offices by previously consulting one another and by taking into consideration the conditions essential for production. The Planning Office shall regularly compile and evaluate the necessary statistic data.

4. For allocation of all labor to individual major sections in Greater Germany (industrial war economy, transportation, food,

* This decree was transmitted by defendant Kehrl to defendant Rasche by a letter of 22 January 1944. The Kehrl letter, also a part of this document and exhibit, is not reproduced herein. This decree, along with a later Speer decree of 29 October 1943, was also a part of Document 1510-PS, Prosecution Exhibit 2262. The fact that different copies of the same decree, letter, or memorandum were discovered by investigators in different files often accounts for the fact that the same document was introduced in evidence under two or more document and exhibit numbers. In the materials reproduced herein where different document or exhibit numbers are used in referring to documents, the editors have ordinarily indicated the double designation on the document or by appropriate footnotes in the testimony.

etc.) the Planning Office shall submit proposals to Central Planning for decision and the execution thereof shall be recorded by it statistically.

5. The Planning Office furthermore shall call the attention of Central Planning in good time to dangers which might disturb production for the German war economy in general.

6. Demands required by the war economy in determining import and export shall be presented by the Planning Office to the Reich Minister of Economics. It shall regularly report to Central Planning on the state of imports essential to the war economy.

7. Prior to their taking effect, the Planning Office shall be informed of all priority classifications which regulate the order of allocating material or labor to individual major sectors of the war economy, so as to afford it the opportunity to adjust them with one another or bring about a decision by Central Planning.

II

In order to insure a uniform planning for the entire industrial war economy, the Planning Office, for my province as Reich Minister for Armament and War Production, shall assume the following tasks:

1. Coordination along uniform lines of fundamental plans, drafted on their own responsibility by the main committees and rings (combines) economic and professional groups (resp. offices for economic control), and consolidation of total results.

2. Deductions reached on the basis of changes in programs or production shall be evaluated by the Planning Office for the individual offices, resp. the main committees or rings or the economic and professional groups, whereby the Planning Office is authorized to orientate itself on the execution of such matters.

3. For all implements and equipment produced in the industrial war economy, the Planning Office shall keep exhaustive statistics on production and distribution; it is to keep itself informed of stocks and at the same time must draft the basic data for the direction of this production.

4. The industrial production and that of the war economy of countries within the sphere of Greater Germany and allied countries shall be recorded statistically by the Planning Office and it shall elaborate on proposals for a mutual interchange of production to increase war production on both sides.

5. Authorization for extension or expansion of enterprises shall be issued in agreement with [in Einvehrnehmen] the Planning Office, if the investment for buildings and installations exceeds RM 5,000,000 in the individual case, or if they should become productive only 1 year from the date of application. In the event

953402—52——65

that differences of opinion arise, I shall decide. The approval of the Planning Office is required in transfers of plants which constitute an expansion of enterprises if the sum invested for building exceeds the amount of RM 500,000.

6. Prior to their becoming effective, the Planning Office shall be informed of all basic priority classifications and reclassifications, within the industrial war economy, which regulate production amongst specific manufacturing branches (labor, allocation of material, etc.) so as to afford it an opportunity to coorddinate the opinions of the various offices and to bring about my decision with the participating offices.

III

1. For obtaining plans on requirements and distributions and for the distribution of raw and basic materials, the Planning Office shall contact the Reich Offices and the Reich Associations. Collaboration with them will be regulated by the director of the Planning Office.

2. So far as the Reich Minister of Economics is not competent (par. 4 of the First Decree for Implementation of the Fuehrer Decree concerning Concentration of the War Economy) the Reich Offices and the Reich Associations are obliged to follow the instructions of the Planning Office.

IV

In accordance with the decree of 20 October 1942, the tasks of the Office for Central Planning, in agreement with Central Planning, are taken over by the Planning Office.

1. The Planning Office is authorized to demand information on economic conditions from all German offices and also from organizations outside the Reich.

2. The Planning Office is an authorized information office as defined by the decree on the duty of giving information, dated 13 July 1923, Reich Law Gazette I, page 723.

The Reich Minister for Armament and War Production
Plenipotentiary General for Armament Tasks
in the Four Year Plan
Signed: SPEER

TRANSLATION OF DOCUMENT NO–2007
PROSECUTION EXHIBIT 3344

LETTER TO DEFENDANT BERGER'S POLITICAL LEADERSHIP STAFF, 12 OCTOBER 1943, TRANSMITTING REPORTS FROM TWO GERMAN ARMY OFFICERS ON METHODS OF RECRUITING UKRAINIANS FOR LABOR IN GERMANY

Headquarters, 12 October 1943
Rauchstrasse 17/18
Telephone: 219515 and 395046
Cable address: Reichsministerost
[Handwritten] 18 October 1943
[Handwritten] 24/439

The Reich Minister for the Occupied Eastern Territories Representative with the High Command of the Army Group South
NR. 202/43 secret
It is asked to give above references and subject in further correspondence.

[Stamp] Secret!

To the Reich Ministry for the Occupied Eastern Territories
Political Leadership Staff
Berlin W 8 [Stamp]

Main Department I
Diary Nr. I 1836/43g
Received: 13 October 1943 [Illegible initials]
2 enclosures 28/X

Subject: Irregularities in labor allocation

As enclosure I submit:

1. Copy of a report submitted to me by Chief of Supply/section VII (Military administration) relative to the conduct of members of the Labor Office Novaya Praga and Dolinskaya in connection with the transport of the 1926 class for labor allocation in the Reich.[1]

2. Copy of a report submitted by Ic/AO [counterintelligence officer] of the local command Aleksandriya dated 9 May 1943 relative to the unworthy treatment of the civilian population by the civil administration and the indigenous security units [Schuma] in the recruiting of Eastern workers.[2]

[Signed] O. W. MUELLER

[1] This enclosure, Document NO–2008, Prosecution Exhibit 3345, is reproduced immediately below.

[2] This enclosure, Document NO–2009, Prosecution Exhibit 3346, is reproduced below in this section.

2 enclosures
Information to the Representative of the Plenipotentiary General for Labor Allocation State Counselor Peukert
[Handwritten] Don't we have already the same report? Yes. Then to the files.

[Illegible signature]

TRANSLATION OF DOCUMENT NO–2008
PROSECUTION EXHIBIT 3345

REPORT OF LIEUTENANT ADOLF AUMANN, GERMAN ARMY OFFICER, 27 AUGUST 1943, CONCERNING "BRUTAL EXCESSES TOWARD THE UKRAINIAN POPULATION" IN THE ROUNDING-UP AND SHIPMENT OF WORKERS TO GERMANY

Enclosure to No. 202/43 secret of 8 October 1943—of the Representative of the Reich Minister for the Occupied Eastern Territories with the Headquarters of the Army Group South

Copy of a Copy!

[Stamp] Secret

Local headquarters, 27 August 1943

Lieutenant Adolf Aumann,

Duty Station No. 12525.

To the Staff/Dept. for Railroad Construction Battalion 513 with request to forward to the competent area Command.

Subject: Conduct of members of the Novaya Praga and Dolinskaya labor office towards the Ukrainian civilian population on the occasion of the transport of Ukrainians of the 1926 Class for labor allocation in the Reich.

On 21 August 1943, on the occasion of an official visit to the station master of Sharovka railroad station, with a sergeant of my unit, I was witness of conduct on the part of German employees of the civil administration which I still consider today as almost incredible.

Towards 1530 hours of the same day, I arrived at Sharovka railroad station accompanied by a sergeant and my driver to clarify an official matter with the station master there. Since the gentleman in question was absent that day and I was waiting for his return, I noticed in front of the station area a large gathering of Ukrainians. When I inquired of station officials who were passing what was happening, they told me that on that afternoon the 1926 class was being sent away into the Reich for

labor allocation. While the surging crowd was already standing shouting in the way and I was meanwhile carrying on with my official business, I observed that a contingent of young Ukrainians was marching in from the direction of Novaya Praga to the station area. This contingent was escorted on all sides by German soldiers and Ukrainian militia with weapons ready to fire. It looked to me as though this was a transport of prisoners.

I now involuntarily became a witness of the train-loading and was obliged to see how some gentlemen of the civil administration behaved on this occasion. The contingent which had arrived was divided up and crowded in groups into the coaches which were standing in readiness, and in some cases even the whip was used. Meanwhile the relatives of the Ukrainians who were due to be sent away had arrived in the station, in order to hand over to their children the baggage which had been brought there on hand-carts. It was, however, not possible for them to get to the ones already on the train, because the Ukrainian militia was holding everything back with weapons ready to fire. Nevertheless, a few were successful in getting near their children; but this was immediately the cause for a certain Herr Bale of the Dolinskaya Labor Office to draw his drum-revolver and fire wildly around. He seized a somewhat slower Ukrainian from behind, belabored him with kicks and shouted: "Get back, you swine!"

I reprimanded him for the way he acted and told him that he should be ashamed of his behavior. At the same time I told him that there were other ways of creating and maintaining order. He declared to me in quite an insolent tone that that was no one else's business and that it was up to him how he created order.

At that moment, my sergeant drew my attention to another ugly incident which was taking place elsewhere. In this case a certain Herr Helterhoff of the Aleksandriya Labor Allocation Staff distinguished himself ingloriously by hitting a Ukrainian so hard on the head with a club 1½ inches thick that the club broke in two in the end. The Ukrainian made no move to defend himself and quietly put up with this ill treatment. These single outbursts were accompanied by a background of wild shrieks and din, in which were mingled the howls of about 800–1,000 persons.

Furthermore, I established that the persons in the train were refused straw in their compartments, although about 30 hand-carts filled with straw were standing ready on the station. Thus, the persons being sent away had to start out on their 6–8 days journey into the Reich without straw.

I also discovered that the entraining was completed by 1645 hours but that the train did not leave until 2300 hours, *which meant that no one could leave the compartments again to relieve himself. The Ukrainians were thus forced to relieve themselves in the compartments, and possibly to sleep on the floor at night.*

I think I may presume that the bitter feeling against all Germans has reached boiling point and that one should not be surprised if the partisans gain the upper hand. Also, it may be imagined that the civilians are painting the blackest pictures about the treatment of their members in the Reich, if they are obliged to witness how their children are treated as slaves, as well as they themselves, at the very moment they are sent away.

The Sharovka stationmaster and his officials, as well as my sergeant and my driver are of the opinion that it is not good propaganda for us Germans in the Ukraine and that repercussions may be expected as a result. I, myself, was unfortunately obliged to be of this same opinion, went away from these ugly scenes with disgust and considered it my duty, as a German officer, to complain in the form of an official report about such brutal excesses towards the Ukrainian population, which mean gross damage to German prestige in the Ukraine.

[Signed] AUMANN
Lieutenant

TRANSLATION OF DOCUMENT NO–2009
PROSECUTION EXHIBIT 3346

REPORT OF LIEUTENANT ERBSLOEH, GERMAN MILITARY POLICE OFFICER, 5 SEPTEMBER 1943, COMMENTING ON "MEDIEVAL COERCIVE MEASURES" USED IN RECRUITING UKRAINIANS FOR LABOR IN GERMANY

Enclosure to Nr. 202/43 secret of 8 October 1943

The Representative of the Reich Minister for the Occupied Eastern Territories with the Headquarters of Army Group South

Copy of Copy

Military Police Group O.K. I/766 — Aleksandriya, 5 September 1943

Subject: Unworthy treatment of the civilian population by the civil administration and indigenous security detachments [Schuma] during the drafting of Eastern workers

To the Local Headquarters I/766

On Sunday, 5 September 1943, I made the following observations at Aleksandriya: At 10 o'clock shots were fired on the main street in the direction of the market place. I immediately ordered two of my men to clear up the matter. Since an excited crowd marched through the streets, I went personally a few minutes later to the market place. Arriving there I saw the following:

The Schuma had closed off the Sunday main-market which was strongly attended by the population of the surrounding villages and forced all men, women, children, and old people present, indiscriminately together, into a huddle. They made ample use of rifle-butt pushing, blows, and foot-kicking. Two people were injured by shots. A gentleman from the Labor Office and members of the rural police kicked elderly women in the behind, in order to make them walk faster. To my question, addressed to the Chief of the Labor Office, he replied: "I am driving the people together. Tomorrow I shall assort them. Those who have important occupations I let go."

To the Deputy Regional Commissioner, Mr. Kallner, who had been riding with an escort across the market place, I expressed my disapproval of the method employed. To this he only answered: "We need labor for Germany."

On my drives throughout the villages I again and again noticed that the people live in great anxiety and that they are therefore not cooperating with us 100 percent.

In Kossovka, Onufriyevka, Krasno-Kamenka, the same incidents were observed on Sunday and reported to me. In Kossovka a girl and a woman were shot at that occasion.

The regional leader of agriculture, Count Dohna, told me that he had the greatest difficulties with his workers because people for whom he cannot find substitutes are constantly being arrested.

The physician of the local headquarters called me today to tell me that he treated a woman who had been beaten black and blue, in such a way as he had never experienced it before.

Through such medieval coercive measures, the bitterness among the civilian population increases steadily and the security of the region is being jeopardized.

In the outer districts, which border on regions infiltrated by partisans, we cannot count on very much assistance from the civilian population in our fight against the partisans.

I request the local headquarters to effect that other methods be applied for the allocation of labor.

Furthermore attention should be called to the fact that we demand full cooperation from our Hiwis.

The joy to cooperate is being taken away from many, if their wives, sisters, and mothers are treated in such a way.

A severe, just treatment of the Ukrainians is appropriate and will also be the quickest method to keep peace in the country.

[Signed] ERBSLOEH
Lieutenant of Military Police
First Lieutenant

Certified true copy

TRANSLATION OF DOCUMENT NID-12506
PROSECUTION EXHIBIT 2017

ARTICLE FROM "THE FOUR YEAR PLAN" MAGAZINE OF 15 NOVEMBER 1943, CONCERNING THE ESTABLISHMENT AND AUTHORITY OF THE CENTRAL PLANNING BOARD AND THE PLANNING OFFICE, AND REVIEWING GERMAN ECONOMIC POLICY AND ORGANIZATION DURING THE THIRD REICH

ECONOMIC OBSERVER

Central Planning Board

In the course of the reorganization of the authoritative bodies for the war economy in September of this year, combined with the simultaneous appointment of Reich Minister Speer as Reich Minister for Armament and War Production, the "Central Planning Board" has entered the light of wider publicity. On 22 April 1942 this body was established by Reich Marshal Goering in the form of a three-man committee, to which Reich Minister Speer, General Field Marshal Milch, and State Secretary Koerner were appointed.* This committee was charged with the task of coordinating the demands for raw materials and semifinished articles of the large consumers, such as Wehrmacht, Reich Railroad, etc., as well as establishing an accord between the quantities available and the projected production capacities of the basic materials and processing industries, by calling upon the assistance of leading personalities in the government agencies and in industry. Furthermore, the "Central Planning Board" had to decide on the expansion of industry, in particular on the establishment of new production plants and in connection therewith, they had to fix the raw material quotas for the various consumers as well as their percentages of labor and other production factors. This committee, which, despite its significant performance for 1½ years, did not make efforts to draw attention

* This Goering decree is reproduced above in this section as a part of Document NOKW-244, Prosecution Exhibit 2014.

to its activities, received a necessary personnel addition with the appointment of the Reich Minister for Economics Funk in September 1943.

To mention the subject of the "Central Planning Board" is to touch on the central problem of the entire German economic policy. For it would be erroneous to date economic planning in Germany only from the foundation of this committee. Economic planning based on direction from a higher level is from the beginning irrevocably connected with the conception of National-Socialist economic policy. Already, soon after the assumption of power, the direction of the economy towards correspondence with the basic requirements of national life could be observed and became yearly clearer and more significant. The procurement of work, the allocation of the many million unemployed alone, demanded that the entire economic life be directed in accordance with political directives during the years from 1933 to 1935 and at the same time necessitated great activity on the part of the State and Party agencies concerned. However, the most decisive stage was reached when the Fuehrer, having concluded the "Working Campaign" [Arbeitsschlacht], announced the Four Year Plan at the Reich Party Rally in the Fall of 1936, thereby committing the German economy to a new gigantic task, *the solution of which demanded the most rigid centralization of the power of command in the field of economic policy.* By appointing a Plenipotentiary for the Four Year Plan, for the first time in German economic history an official center was established uniting all the threads of economic direction.

A uniform over-all economic planning is not only in conformity with the National-Socialist conception, assigning to the economy the role of service in national life, but is also a consequence of experience gained by practice. It ensues particularly from the inevitable compulsion to coordinate the limited availability of our space, the labor we have at hand and the raw materials, with the increased and ever increasing demands. If the political leadership puts the economy in charge of tasks on the largest scale possible in the interests of the nation and the Reich and demands their fulfillment authoritatively, then it is a matter of course that the disposition and assignment of economic forces and goods, which can by no means be increased at will, are to be brought into conformity with a strategic plan. The success, the achievement of the aims set, depend to a decisive extent upon the planning and observing this plan. That was true even in the times of peaceful reconstruction after 1933. It is applicable to a far higher degree in war time today. This is a brief summary out-

line of the actual nature of the Four Year Plan as it has been functioning from the day when it was announced up to today.

The leading executive tools [Fuehrungsinstrumente], which the Plenipotentiary for the Four Year Plan has used since 1936, have changed during the course of the years according to the type of tasks which deserved a priority. The Reich Marshal has never created a Ministry of Economics of his own or even a Super Ministry [Ueberministerium] for the purpose of carrying out this plan. On the contrary, he made use of the already existing agencies of State and Party to act as intermediaries, and has worked directly only with a small operational staff [Fuehrungsstab] to which he gave his instructions and which operated in accordance with his ideas. In this way he established an extremely elastic organization which was capable of adapting itself without any major difficulties to the fast changing situations and tasks. The Reich Marshal placed the execution of the work in the hands of the specialized departments and of the heads of the so-called business groups [Geschaeftsgruppen], the Plenipotentiaries General, and Plenipotentiaries of the Four Year Plan. When the necessity arose, he coordinated these men for conferences in a "General Council" [Generalrat]. Insofar as the General Council did not meet under the personal chairmanship of the Reich Marshal, its sessions were headed by State Secretary Koerner, who was commissioned with this task. The sessions served the purpose of properly coordinating all sections of the Four Year Plan, the coordination of their raw material requirements, labor, and power, as well as the chief task of preparing all measures of economic expansion, in particular the development of German mining and of the raw material industries.

After the outbreak of war, this General Council continued its activities and, after the affairs of the Plenipotentiary General for the Economy had been taken over by the Plenipotentiary for the Four Year Plan in January 1940, remained for some time the supreme directing agency in the field of war economy. By the work of the Four Year Plan, all the requirements for the solution of tasks in the line of the war economy, which at the beginning of the war were still in the hands of the highest offices of the Armed Forces and later on in the hands of Reich Minister Todt, were also fulfilled to a decisive extent. However, the picture did not change as far as organization was concerned, when after the tragic death of Reich Minister Todt in spring 1942, his successor, Reich Minister Speer, was simultaneously appointed as Plenipotentiary General for Armament Tasks within the Four Year Plan by the Reich Marshal. Owing to the fact that, with the lengthy duration of the war and the steadily increasing mechani-

zation of the Wehrmacht, the entire industrial production concentrated on the production of weapons and munitions, Reich Minister Speer had to receive an extended sector of tasks within the framework of the Four Year Plan. The flexibility of the Four Year Plan organization, created by the Reich Marshal, made it possible, without any difficulty, to transfer an important part of the Four Year Plan work together with the authorizations necessary for its execution to the Reich Minister, whom the Fuehrer had entrusted with the entire armament program and war production, when this transfer was necessitated by the requirements of warfare. In this manner, the maximum efficiency of the leading authority of our armament economy is guaranteed in the best way possible.

This change in the organization was bound to reflect its effects on the structure of the leading executive agencies in the field of economic policy. By order of the Reich Marshal, the Committee of "Central Planning Board" was substituted for the "General Council." Since April 1942, the "Central Planning Board" became the supreme war economic advisory and decision-making agency [oberstes kriegswirtschaftliches Beratungs-und Beschlussorgan].

The Planning Office [Plannungsamt] created by Reich Minister Speer within the framework of the Reich Ministry for Armament and War Production should not be confused with the "Central Planning Board," which, since September of this year, has been operating as a four-man committee. This Planning Office has to prepare, in a technical respect, the work of the committee; namely, of the "Central Planning Board," which draws up the general outlines. At the same time it supervises the execution of the decisions of the "Central Planning Board." These two tasks, of which the Planning Office has been put in charge, constitute a broad field of activity which is of the highest importance, particularly for the orderly operation of the armament economy.* The "Central Planning Board" has thereby acquired a central office which compiles for it and works out the necessary documentary material and drafts for its resolutions; which continuously supervises the distribution of raw materials, labor, power, as well as the production in the armament sector; and currently reports on all results of its fact finding missions.

* Speer's decree of 16 September 1943, concerning the tasks of the Planning Office, is reproduced above in this section as a part of Document NI-2031, Prosecution Exhibit 2016.

TRANSLATION OF DOCUMENT 1292-PS*
PROSECUTION EXHIBIT 2617

MEMORANDUM BY DEFENDANT LAMMERS ON A CONFERENCE OF HITLER, SAUCKEL, SPEER, KEITEL, MILCH, HIMMLER AND LAMMERS, 4 JANUARY 1944, CONCERNING LABOR REQUIREMENTS, DECISION TO PROCURE AT LEAST FOUR MILLION MORE WORKERS FROM OCCUPIED TERRITORIES, AND RELATED MATTERS. TELEGRAM FROM SAUCKEL TO DEFENDANT LAMMERS, 5 JANUARY 1944, CONCERNING RESULTS OF THE CONFERENCE

I. Memorandum of defendant Lammers concerning the conference 4 January 1944

Fuehrer Headquarters, 5 January 1944

To Reich Chancellery 13402 C

(Copy)

Subject: Labor allocation 1944.

I. A conference took place today with the Fuehrer which was attended by the Plenipotentiary General for Labor Allocation, Gauleiter Sauckel; The Reich Minister for Armament and War Production, Speer; The Chief of the High Command of the Armed Forces, Field Marshal Keitel; Field Marshal Milch; the Acting Reich Minister for Food and Agriculture, State Secretary Backe; The Minister of the Interior, Reich Leader of the SS, Himmler, and myself. (The Minister for Foreign Affairs and the Minister of Economics had repeatedly asked to be permitted to participate prior to the conference, but the Fuehrer did not wish their attendance.)

The Fuehrer declared in his introductory remarks:

"I want a clear picture:

"(1) How many workers are required for the maintenance of German War Economy?

"(*a*) For the maintenance of present output?

"(*b*) To increase its output?

"(2) How many workers can be obtained from occupied countries, or how many can still be gained in the Reich by suitable means (increased output)?

"For one thing, it is this matter of making up for losses by death, infirmity, the constant fluctuation of workers, and so forth, and further it is a matter of procuring additional workers."

* Document 1292-PS was introduced in the IMT trial as Exhibit USA-225 and the German text appears in Trial of the Major War Criminals, op. cit., volume XXVII, pages 104-111.

The Plenipotentiary General for Labor Allocation, Sauckel, declared that, in order to maintain the present pool of workers he would have to add at least 2½ but probably 3 million new workers in 1944. Otherwise production would fall off. Reich Minister *Speer* declared that he needs an *additional* 1.3 million laborers. However, this would depend on whether it will be possible to increase production of iron ore. Should this not be possible, he would need no additional workers. Procurement of additional workers from occupied territory would, however, be subject to the condition that these workers will not be withdrawn from armament and auxiliary industries already working there. For this would mean a decrease of production of these industries which he could not tolerate. Those, for instance, who are already working in France in industries mentioned above, must be protected against being sent to work in Germany by the Plenipotentiary General for Labor Allocation. The Fuehrer agreed with the opinions of Reich Minister Speer and emphasized that the measures taken by the Plenipotentiary General for Labor Allocation should order no circumstances which would lead to the withdrawal of workers from armament and auxiliary industries working in occupied territories, because such a shift of workers would only cause disturbance of production in occupied countries.

The Fuehrer further called attention to the fact that at least 250,000 laborers will be required for preparations against air attacks in the field of civilian air raid protection. For Vienna alone 2,000–2,500 are required immediately. The Plenipotentiary General for Labor Allocation must add at least 4 million workers to the manpower pool, considering that he requires 2½ million workers for the maintenance of the present level, that Reich Minister Speer needs 1.3 million additional workers, and that the above-mentioned preparations for security measures against air attacks call for 0.25 million laborers.

The Plenipotentiary General for Labor Allocation, Sauckel, declared that he will attempt with fanatical determination to obtain those workers. Until now he has always kept his promises as to the number of workers to be furnished. With the best of intentions, however, he is unable to make a definite promise for 1944. He will do everything in his power to furnish the requested manpower in 1944. Whether it will succeed depends primarily on what *German* enforcement agents [Exekutivkraefte] will be made available. His project cannot be carried out with domestic enforcement agents.

The Reich Leader SS explained that the enforcement agents put at his disposal are extremely few, but that he would try helping the Sauckel project to succeed by increasing them and working

them harder. The Reich Leader SS made immediately available 2000 to 2500 men from concentration camps for air raid preparations in Vienna.

Generally all participants in the conference agreed that it will be possible to treat additional manpower even at home by activation and intensification of available labor, especially the prisoners of war, provided they are given awards in form of additional food, clothing, and so forth. State Secretary Backe will examine to which extent help can be given with additional food. Field Marshal Milch remarked that, especially in agriculture, many women who are really able to work evade it because they receive family allotments from their husbands who were inducted into the Armed Forces, and the wages for work done would be deducted from their family allotment. In their primitive way of thinking they therefore believe that they would have to work for nothing. Therefore on one hand, wages should not be deducted from the family allotment; on the other hand, it should be ruled that women who refuse work would, in consequence, receive no family allotment, or only a reduced family allotment. The Fuehrer did not comment, declaring that he did not wish to go into details any longer.

Results of the Conference

(1) The Plenipotentiary General for Labor Allocation shall procure at least 4 million new workers from occupied territories.

(2) These workers may not be taken from armament and auxiliary industries in actual production in the occupied territories.

(3) It is to be examined by what means the output of workers now on hand can be increased and intensified, especially that of prisoners of war.

(4) The Plenipotentiary General for the Allocation of Labor shall get in touch with the Reich Minister for Foreign Affairs before taking any action.

[Signed] DR. LAMMERS

II. Reich Leader Bormann has received a copy of paragraph I

III. To the State Secretary for his information

[Illegible initial]

IV. Original to Mr. C. Please return. (Arrival at Fuehrer Headquarters, 6 January 1944.)

[Initial] L [Lammers]

2. Telegram from Sauckel to defendant Lammers, 5 January 1944

Rk. 92 C 342

5 January 1944, 0955 hours

Plenipotentiary General for the Labor Allocation Berlin No. 12
Berlin 5 January 1944
To the Reich Minister and Chief of the Reich Chancellery, Dr. Lammers [Handwritten] *At once!*
Berlin W8 [Illegible handwriting]
Vosstrasse—6 [Initial] L [Lammers]
6 January

Dear Reich Minister
Dear Party Member Dr. Lammers

I herewith beg to be permitted to submit to you the following notes about the result of yesterday's conference of the chiefs at the Fuehrer's.

I further ask you to confirm this result on your part to the chiefs who took part in the conference and to be so kind as to support me in the introduction of the measures which have become necessary as a result of the conference.

1. The chief subject of the conference was the minimum requirement for workers to be expected in 1944. After listening to the participants in the conference the Fuehrer ruled:

a. In order to maintain employment at its present level in the entire war economy, including agriculture, or in order to compensate for losses due to drafting into the Wehrmacht, death, illness, expiration of contracts, etc., it is necessary to make available (workers.) 2,500,000

b. In order to replenish factories which are to carry out additional armament tasks, special Fuehrer programs, it is necessary to make available, for Reich Minister Speer. 1,300,000

c. In order to fulfill requests of the Fuehrer concerning air-raid shelters there are needed. 250,000

total 4,050,000

2. For the purpose of mobilizing reserves of strength of German workers and of foreigners working in Germany, the Plenipotentiary General for Labor Allocation submitted the suggestion that an effective incentive for an increased output be created by granting food premiums and other advantages. The execu-

tion of this suggestion, the practicability of which was recognized unanimously, encounters considerable difficulties due to the fact that the necessary additional food can hardly be raised from German reserves. The Fuehrer held out the prospect of succeeding in making available the necessary products by personally contacting Marshal Antonescu.

3. The Fuehrer commissioned the Plenipotentiary General for Labor Allocation on his part to contact the Reich Minister of Foreign Affairs in order to be able to prepare the mobilization of the necessary foreign workers with the utmost speed.

4. The Fuehrer ruled that the workers employed in the French armament industries by Reich Minister Speer should be protected against removal.

5. The Fuehrer pointed out that it was necessary to convince all German offices in the occupied territories and in the allied countries of the necessity of employing foreign workers in order to enable them to assist the Plenipotentiary General for Labor Allocation in carrying out the necessary organizational, propagandistic and police measures.

6. [The whole of paragraph 6 is crossed out in the original] The Plenipotentiary General for Labor Allocation emphasized that during the past 2 years he had been in the position of being able to guarantee the execution of the given tasks in advantage. This was not possible with absolute certainty in the year 1944. He would however make every effort in order to fulfill the plant program under any circumstances.

6. [The change from paragraph 7 to 6 was made in the original. The phrase "At the end" in the beginning this paragraph was crossed out, too.] *At the end* the Plenipotentiary General for Labor Allocation brought up the question of the stabilization of the wages in the occupied territories. The Fuehrer emphasized again that it would be necessary to maintain the level of wages also, in the future. Since the additional recruitment of 4,050,000 workers for the year 1944 was ordered by virtue of the Fuehrer's decision, I suggest the following program to make the necessary workers available after a most exhaustive examination of all possibilities:

a. From reserves within Germany about the following number of workers can be mobilized if the utmost efforts are exerted (commitment of workers who became unemployed as a result of enemy air raids, duty to register, shutting-down, measures of selection.) 500,000

b. Recruitment of Italian workers amounting to (of these from January to April monthly, 250,000—1,000,000, and from May to December, 500,000.)	1,500,000
c. Recruitment of French workers monthly at the same rates from 1 February to 31 December 1944 (approximately 91,000 per month)	1,000,000
d. Recruitment of workers from Belgium	250,000
e. Recruitment of workers from the Netherlands	250,000
f. Recruitment of workers from the Eastern Territories, the occupied former Soviet territories, the Baltic states, the Government General	600,000
g. Recruitment of workers from the rest of the European countries.	100,000

In order to be able to carry through this program, I ask that the Fuehrer be requested to issue a decree to the Supreme Reich Authorities and military offices concerned, emphasizing again to these agencies the urgency of the task. This decree might mention in an appropriate manner that, at an exhaustive conference of the chiefs at the Fuehrer's with the competent departments, a total requirement of 4,050,000 additional workers for the year was laid down; and that the Plenipotentiary General for Labor Allocation thereupon worked out the above program for the fulfillment of the requirement, the Fuehrer has approved it, and its fulfillment is to be aimed at under all conditions. The Supreme Reich Authorities and the military offices concerned should have it pointed out to them that they should assist the Plenipotentiary General for Labor Allocation with the greatest vigor in carrying out this measure.

In my opinion primarily the following authorities are to receive the decree:

(1) The Reich Leader SS and Reich Minister of the Interior Himmler, for the information of all Higher SS and Police Leaders in the West, in the East and in the South.

(2) The Reich Minister for Foreign Affairs von Ribbentrop, for the information of diplomats representing the Reich.

(3) The Chief of the OKW, Field Marshal Keitel, for the information of the Military Commanders in France and Belgium, the Military Commander Southeast, the Plenipotentiary General with the Fascist-Republican Government of Italy, the Chiefs of the Army Groups in the East.

(4) The Reich Minister of Occupied Eastern Territories for the information of the Reich Commissioners for the Ukraine and the Ostland.

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(5) The Reich Commissioner of the Occupied Dutch Territories.

(6) The Governor General in Krakow.

I would be especially grateful to you, dear Reich Minister, if you would be so kind as to expedite this matter as much as possible. In order to carry out the spring cultivation in Germany, as well as to prevent a further decrease in the level of employed in the armament industry, the speediest action is essential. It is important to get the recruitment of foreign workers under way again as quickly as possible. Since the Fuehrer has made his decision, I do not want a single day to be lost in the preparation of the measures which must now be taken.

Heil Hitler!

Gratefully yours,

SAUCKEL

Transmitted: Reich Chancellery 5 January 1944, 2100 hours
Received: VhWD 2150 8 January

TRANSLATION OF DOCUMENT KEHRL 288
KEHRL DEFENSE EXHIBIT 250

EXTRACTS FROM THE THIRD WEEKLY REPORT OF THE PLANNING OFFICE, 19 JANUARY 1944, CONTAINING COMPILATION OF DEMANDS FOR MANPOWER*

Top Secret

Berlin, 19 January 1944

Planning Office Reports
Pla. 07211 19 January

Third Weekly Report of the Planning Office (*Week ending 7 January 1944*)

Note.—This report is to be dealt with as a *Top Secret* and is for *personal* information.

* * * * * * *

2. *Labor allocation.*—*a.* Main question.—An investigation "For the Calculation of Requirements in working hours and workers" was concluded.

b. Compilation of man-power requirements for January and the first quarter of 1944 is in preparation. According to estimates of the large employers, requirements for the armament industry in January are about 600,000 workers (almost exclusively a carry-forward of the uncovered requirement from December). Transport requires for January, 20,000 workers;

* The extracts reproduced here are all the extracts included in the defense document.

60,000 for the first quarter of 1944 and about 80,000 in addition to compensate for the expected call-ups. Requirement of agriculture negligible, forestry and timber industry requirement for January, 12,000.

c. Considerable worker demands (about 0.5 million) for the occupied French territories, even before the coming into effect of the Speer decree of 3 December 1943. It is to be expected that the effect of the decree will increase the demand from 3 December.

d. Number of deferments from military service at 1 October 1943—5.73 million (including the years 1894–1896). Of these, 1.73 million are 1906 class and younger.

e. Manpower in the repair industry—It is necessary to stop withdrawals of workers from the repair industry, as with the increased demands in consequence of bomb damages, the repair industry constantly grows in importance. Letter to Plenipotentiary General for Labor Allocation.

* * * * * * *

PARTIAL TRANSLATION OF DOCUMENT NID–12966
PROSECUTION EXHIBIT 2023

EXTRACT FROM A DIRECTIVE OF DEFENDANT KEHRL TO ALL MAIN COMMITTEES AND RINGS,* 21 FEBRUARY 1944, CONCERNING "BINDING DIRECTIVES FOR PLANNING" AND "COOPERATION WITH THE PLANNING OFFICE"

The Deputy for the Four Year Plan
The Plenipotentiary General for Armament Tasks
The Planning Office

Berlin, 21 February 1944

To all Main Committees and Rings

Subject: Planning and statistics in the committees and rings

* * * * * * *

A. Binding Directives for Planning.—The following directives for the planning will be observed by the committees and rings:

1. Uniform demarcation of areas
2. Uniform time schedule
3. Uniform comparison of work done and required to be done [Soll-Ist-Vergleich]
4. Complete control of materials
5. Comprehensive plan of labor commitments

* For definition of main committees and rings, see "Extracts from the Basic Information Submitted by the Prosecution," reproduced in volume XII, section IV B.

To 1. Uniform demarcation of areas.—The planning must, in principle, cover the territory of the *Greater German Reich.* This includes: the old Reich, Ostmark [Austria], Danzig-West Prussia, Warthegau, Eastern Upper Silesia, Memelland, *Protectorate,* Eupen-Malmedy-Moresnet, Luxembourg, Alsace-Lorraine, Lower Styria and Carniola. The Government General and the occupied territories (Norway, Holland, Belgium, France, etc.), as well as Italy, are to be planned and treated separately but eventually coordinated with greater German planning.

* * * * * * *

To 5. Comprehensive planning of the labor commitments—In the field of *labor allocation* the total number of employed is to be planned as demanded by the execution of the programs. If products of another branch or of a different kind are to be embodied in finished products (deliveries by outsiders), the amount of labor necessary for these deliveries is at first to be roughly estimated according to experience.

The labor needed for a certain production is to be expressed, next to the necessary number of workers employed, in terms of hours of work, since this information has exceptional statistical importance in several respects.

* * * * * * *

C. Cooperation with the Planning Office.—In order to coordinate the planning data of the committees and rings according to the directives under *A*), and to clarify the problems mentioned under B, close cooperation and a constant exchange of experience between the Planning Office and the committees and rings are essential. The committees and rings are therefore asked to appoint a responsible expert by 10 March 1944, with whom the question of planning statistics and planning methods can currently be discussed.

Signed: HANS KEHRL

PARTIAL TRANSLATION OF DOCUMENT 1764–PS
PROSECUTION EXHIBIT 2748

EXTRACTS FROM MINISTER HEMMEN'S REPORT TO RIBBENTROP, 15 FEBRUARY 1944, CONCERNING RECRUITMENT OF FRENCH WORKERS FOR WORK IN GERMANY

The Development of Our Economic-Political Relations with France during 1943 and Their Impact on Foreign Policy

* * * * * * *

III

Things are quite different, however, with a kind of economic question which developed in the past year into a serious political burden—*labor commitment for Germany.**

It began with a voluntary recruitment of laborers which netted to the end of 1942, 400,000 men. In the first half of 1943, two additional voluntary actions for 250,000 men each were undertaken, of which the first, granting at the same time all advantages of the "relève", that is, the furloughing of PW's at the ratio of 1:3 or granting of the labor charter, brought in some 200,000 men, whilst the second action could only be executed under application of the new labor service law, that is by force, and brought in 122,000 men only.

Beginning July 1943, that is, after the betrayal by Italy, it was then no longer possible to bring in more than 44,600 men of the 900,000 men of three annual classes covered by the law. Therefore, the action was halted in October and France was granted a rest period of 3 months in preparation for a new conscription for the year 1944. At the visit of Gauleiter Sauckel in January of this year, it was found however, that Laval had made no preparation for a new action whatsoever. On the contrary the opinion that additional labor drafting need no longer be counted on could gain the ascendancy in France in the meantime. Characteristic in this connection is also the fact that Laval in the transformation of the government demanded by him since December has delayed up to now the appointment of a Minister for Labor in spite of all efforts and assistance of the Embassy.

As the total result of the Sauckel action, all together 818,000 persons, men predominately, have gone to Germany—only 168,000 of them on the basis of the labor service law. Of these, there were only 420,000 left there at the end of January 1944. There is no doubt that the name "Sauckel" sounds today pretty bad

* The earlier parts of this report deal with Hemmen's commission as Reich representative for economic questions in France, the status of consumer goods, production for German armaments, and related questions.

to French ears. The mere announcement in the press of an impending visit of the Gauleiter is sufficient for one to see for days hundreds of young people hurrying to the various Paris railroad stations with their little suitcases.

It is likewise certain that, alongside the development of the military and political situation since July 1943 and the irresponsible political inactivity of Laval, the question of labor commitment is responsible for the enormous increase of terror acts, sabotage, the insecurity of traffic, and the resistance movement in general. What the propaganda, made with greatest emphasis by the Free French and the Western Powers, was *unable* to do—to cause the French laborer to stop working and to sabotage the armament works working for Germany—the transport of skilled laborers and juveniles to the Reich, especially after legal and police force was employed by the French Government for this purpose, caused hundreds of thousands to quit their safe place of work, to place themselves at disposal of terror groups and the secret army, and thus to take up the battle against order, against the German occupation force, and sharper yet, against their own compatriots collaborating with us.

In order to stop these grave consequences of the labor commitment in the future and to obtain the return of the fugitive laborers from the Maquis, the French Government in its negotiations with Gauleiter Sauckel has attempted again and again to bring about a change in the sense that laborers should be committed, even if in more increased measures than before, in France itself. The new armament and storage program also served this purpose. Serving the same purpose was also the designation of some 6200 enterprises as *S* enterprises.* Already shortly afterwards, to be sure, a "run" of laborers began to these enterprises. Gauleiter Sauckel must rightly fear that these enterprises soon will be blown up excessively, because in them, the laborers seek shelter from shipment to Germany.

* * * * * * *

Paris, 15 February 1944

Signed: HEMMEN

* Reference is to the so-called S-Betriebe (Sperrbetriebe or Schutzbetriebe), blocked or protected enterprises; enterprises in German-occupied countries engaged in the production of goods for Germany and designated as "*S*-Betriebe" by Reich Minister Speer.

TRANSLATION OF DOCUMENT KEHRL 370
KEHRL DEFENSE EXHIBIT 227

EXTRACT FROM THE MINUTES OF THE 54TH MEETING OF THE CENTRAL PLANNING BOARD, 1 MARCH 1944, CONCERNING A DISCUSSION OF FIELD MARSHAL MILCH, DEFENDANT KEHRL, AND A REPRESENTATIVE OF SAUCKEL ON LABOR ALLOCATION*

Stenographic record of the 54th meeting of the Central Planning Board on the subject of Labor Allocation, on Wednesday, 1 March 1944, 1000 hours, at the Reich Air Ministry

Secret

MILCH: Gentlemen, may I greet you, and in particular Gauleiter Sauckel, who has come to today's meeting to budget for our manpower proposals. First, I shall ask Herr Kehrl to speak in order to introduce the figures submitted and to give explanations.

KEHRL: At the last meeting, the Central Planning Board, in the presence of all quota holders [Kontingentstraeger] concerned itself first with reducing as far as possible the requests of the quota holders to the absolute minimum. As the various applicants could not state their requirements for the whole year, but could only give approximate figures, the requirements were given for the first quarter. This does not mean, however, that the 3 calendar months were strictly adhered to, but that a period of time was taken within which the number of workers expected to be available [Aufkommen] (which will be discussed later) will be available. For this period, considerable reductions have occurred in the various sectors. The total number amounted, as reported, to 1,291,000. In reply to this, the representative of the Plenipotentiary General for Labor Allocation commented on the probable or possible number of workers expected to be available within a period of about 3 months. In making this statement on the number of available workers, allowance is made on the left side for the 200,000 men who will be returned from forestry and the armaments industry and will automatically flow into agriculture, and are, therefore, listed as an allocation to agriculture. Furthermore, the 60,000 seasonal workers are included who come regularly and who are expected to come also this year. These two allocations constitute the most important part of the allocations made to agriculture which reported, over and above this figure, a further requirement of 70,000 men.

* No further extracts from the minutes were included in the document as offered by the defense. Further extracts from the minutes of this meeting had previously been introduced in evidence by the prosecution as Document R-124-O, Prosecution Exhibit 2288, and some of these extracts are reproduced immediately below.

(Interruption: There is a mistake here. Altogether 400,000 have been scheduled, including those originating from transfers. But that does not correspond with the information from the Food Ministry. It means there are an additional 200,000, making 600,000 instead of 400,000.)

No, at the meeting it was made absolutely clear that agriculture does not require more than a total of 400,000 for the whole year.

MILCH: We especially stressed this point, and Herr Backe confirmed that that was, of course, included in the figure. It may be true that today the requirements are higher. It must, however, also be taken into consideration what the previous figure, that is, the peace-time figure, used to be. When drawing such a comparison, and bearing in mind all the other requests and the possibilities of filling them, there is no moral justification to go beyond that number today.

(Interruption: I just wanted to avoid a plan being made now, which tomorrow is found not to tally.)

KEHRL: The position, therefore, is that for the first 3 months, 70,000 men have been requested in addition to these figures here.

The representative of the Plenipotentiary General [for Labor Allocation] then gave, with all reserve, an estimate as to the number of workers expected to be available in the next 3 months, and particularly stressed the fact that the drives [Aktionen] which had been initiated by the Plenipotentiary General for Labor Allocation for the mobilization of additional foreign workers, had only started in January and will therefore operate only gradually, so that in the first 3 months the expected results will necessarily not be so good as later on. In view of these circumstances and of the possibility of transfers [Umsetzungen] which are included in the figures, the number of workers expected to be available was estimated at 645,000. In this connection, I would like to point out that this figure also includes the so-called spurious fluctuation. It was made clear at the meeting that we must distinguish between genuine and spurious fluctuations. Genuine fluctuations are those final reductions which we experience owing to deaths, incapacitation and loss of foreign workers to the German national economy as a result of expired contracts or escape, while the spurious fluctuation consists of inter-plant transfers, whether compulsory or voluntary. Inasmuch as in the requests of the quota holders losses resulting from this fluctuation are allowed for, the Plenipotentiary General for Labor Allocation, in calculating the number of workers expected to be released, must also include the positive sources available to him. In this respect, the figures both on the left and on the right side must be taken into consideration.

As is the case with all distributions made by us in the Central Planning Board, here too, the requests are greatly in excess of the possibilities of filling them. We have ascertained, however, that the percentage of unfilled requests is not higher than that to which we are accustomed in the case of all raw materials, etc. On the contrary, in this respect, the percentage of requests filled is even higher. Thereupon, a vote was taken, in conjunction with you, Field Marshal, on a provisional proposal which is now to serve as basis for discussion with the various sectors. Inasmuch as the number of workers expected to be available cannot be figured on in precisely three calendar months, and as this figure is but a preliminary estimate, the purpose of the proposal was to cover this demand as being the most urgent one to be filled. This will be covered by the first 650,000 released, before any additional allocation is made to the sectors. In so doing, those workers allocated already since the beginning of the year would have to be deducted.

That was roughly what was discussed at the last meeting. You, Field Marshal, then adjourned the meeting, because the decision on the allocation could only be made in conjunction with Gauleiter Sauckel who, at that time, was unable to participate in the meeting. It was now necessary to discuss the various sectors on the basis laid down for the discussion proposal, in order to ascertain how many workers are to be allocated in the various instances. For sectors VII and VIII, no allocations are planned; and for the Wehrmacht administration only ¼ of the number requested, because we feel that in the Wehrmacht possibilities of covering the requirements by internal transfers are particularly great. The 15,000 men in public administration are intended for the Reichspost [German postal, telephone, and telegraph system], which reported that 27,000 are required; a demand which is strongly supported by all kinds of agencies. In this proposal, transportation was given favorable consideration as regards the percentage, because the general opinion held at the last meeting was that, owing to the air raids, transport difficulties were such as to warrant the maintenance of the transportation system being considered a key position in the general economy.

According to the notice below, the item 100,000 requested and 70,000 allocated is the allocation suggested by State Secretary Gutterer on behalf of the Air Raid Damage Committee. This subject was discussed in full detail.

MILCH: The Fuehrer requests that they come under the 400,000.

PARTIAL TRANSLATION OF DOCUMENT R-124-0
PROSECUTION EXHIBIT 2288

EXTRACTS FROM THE MINUTES OF THE 54TH MEETING OF THE CENTRAL PLANNING BOARD CONCERNING LABOR ALLOCATION, 1 MARCH 1944, CONTAINING A DISCUSSION OF SAUCKEL AND DEFENDANT KEHRL CONCERNING METHODS OF LABOR RECRUITMENT

Minutes of the 54th Meeting of the Central Planning Board concerning Labor Allocation on Wednesday, 1 March 1944, 1000 Hours, at the Reich Air Ministry

* * * * * * *

SAUCKEL: Field Marshal, Gentlemen, it goes without saying that we shall satisfy as far as possible the demands agreed upon by the Central Planning Board. In this connection I wish to state that I call "possible" such deliveries as can be made by the Plenipotentiary General for Labor Allocation by stressing every nerve of his organization. Already on 4 January I had to report to the Fuehrer with the greatest regret that for the first time I was not in a position to guarantee delivery of the grand total of 4,050,000 men then calculated in the Fuehrer's headquarters for the year 1944.* In the presence of the Fuehrer I emphasized this several times. In the previous years I was able to satisfy the demands, at least with regard to the number of laborers, but this year I am no longer able to guarantee them in advance. In case I can deliver only a small number, I should be glad if those arriving would be distributed by percentage within the framework of your program. Of course I shall readily agree if I am now told by the Board: Now we have to change the program; now this or that is more urgent. It goes without saying that we will satisfy the demands whatever they may be, to the best of our ability, with due regard to the war situation. So much about figures!

We have no reason to contest the figures as such, for we ask nothing for ourselves. We are not even able to do anything with the laborers we collect; we only put them at the disposal of industry. I only wish to make some general statements and ask for your indulgence.

In autumn of last year the labor allocation program, inasmuch as it concerns labor allocation from abroad, was frustrated to a very great extent; I need not give the reasons in this circle; we have talked enough about them, but I have to state: the program has been smashed. People in France, Belgium, and Hol-

* See the memorandum of defendant Lammers on this conference at Hitler's headquarters, Document 1292-PS, Prosecution Exhibit 2617, reproduced above in this section.

land thought that labor was no longer to be directed from these countries to Germany because the work now had to be done within these countries themselves. For months—sometimes I visited these countries twice within a month—I have been called a fool who, against all reason, travelled around in these countries in order to extract labor. This went so far, I assure you, that all prefectures in France had general orders not to satisfy my demands, since even the German authorities quarreled over whether or not Sauckel was a fool.

* * * * * * *

SAUCKEL: The most abominable point made by my adversaries is their claim that no executive had been provided within these areas in order to recruit in a sensible manner the Frenchmen, Belgians, and Italians, and to dispatch them to work. Thereupon I even proceeded to employ and train a whole batch of French male and female agents who, for good pay—just as was done in olden times for shanghaiing—went hunting for men and made them drunk by using liquor as well as words, in order to dispatch them to Germany. Moreover I charged some able men with founding a special labor supply executive of our own, and this they did by training and arming, with the help of the Higher SS and Police Leader, a number of natives; but I still have to ask the Munitions [Armament] Ministry for arms for the use of these men. For, during the last year alone, several dozens of very able labor executive officers have been shot dead. All these means I have to apply, grotesque as it sounds, to refute the allegation there was no executive to bring labor to Germany from these countries.

* * * * * * *

KEHRL: May I briefly explain the point of view of the Minister [Speer].* Otherwise the impression might be given that the measures applied by Minister Speer are incomprehensible or senseless, and I would not like such an impression to be created. To us, the affair looks as follows: The assignment of labor for German purposes in France was of comparatively modest proportions up to the beginning of 1943, because the extent of the shifting over of production was limited to a few things with which the German capacity could not cope and, beyond that, to a few main industries. During all this time a great number of French men were recruited and voluntarily went to Germany.

SAUCKEL: Not only voluntarily—some were recruited forcibly.

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* In a series of lengthy statements preceding this statement of Kehrl, Sauckel complained that the establishment of Speer's "S-Betriebe" in France and Italy frustrated his labor allocation measures in these countries. Speer was not present at this meeting.

KEHRL: The calling up started after the recruitment no longer yielded enough results [Die Zwangswerbung setzte ein als die freiwillige Werbung nicht mehr genug ergab].

SAUCKEL: Out of the 5 million foreign workers who arrived in Germany, not even 200,000 came voluntarily.

KEHRL: We will leave open for the moment whether some slight pressure was applied. Formally, at least, they were volunteers. After this recruitment did no longer yield satisfactory results, we started calling-up according to age groups, and with regard to the first age group the success was rather good. Up to 80 percent of the age group were caught and sent to Germany. This started about June of last year. Following developments in the Russian war and the hopes raised thereby in the Western nations, the results of this calling-up of age groups became considerably worse, as can be proved by the concrete figures; that is, the men tried to dodge this call-up for transport to Germany, partly by simply not registering at all, partly by not arriving for the transport, or by leaving the transport on its way. When they found out through these first attempts that the German executive either was not able, or was not willing, to catch these shirkers and either to imprison them or to take them forcibly to Germany, the readiness to obey call-ups sank to a minimum; therefore relatively small percentages were caught in the individual countries. On the other hand, these men, moved by the fear the German executive might after all be able to catch them, did not enter French, Belgian, or Dutch factories but took to the mountains where they found company and assistance from the small partisan groups existing there.

The consideration which originated at that time with Minister Speer, and which led to the arrangement with Bichelonne* was the following: If I cannot transfer the people by force from France to Germany to the extent necessary, which is shown by developments now, and if, at the same time, I run the danger of having the people leave the plants in which they are now working for fear of being taken by force, then it is a lesser evil for me to try and put these people to work in France and Belgium, in which case I do not have to use German force to get them across the frontier. Then, at least, I am sure that the people are not running away from the plants in the first place; and secondly, that additional employment will be brought there. He sent an invitation to Minister Bichelonne. The conferences took place between 16–18 September. The question was put to Bichelonne, to what extent the shifting of industries would be possible, and what ad-

* Jean Bichelonne, State Secretary for Industrial Production in the Vichy government, at this time was also Acting Minister of Labor.

ditional productions he could place, etc. This caused a change in the policy of production.

* * * * * * *

SAUCKEL: It is a pity that I never heard of this and that I was not invited to take part in the conferences with Herr Bichelonne when he was asked whether he was able to provide the people. Far before this the French Government had already given Petain's signature as a guarantee that it would put these million men at our disposal; they were not intended by me, of course, for civilian production, but for armament purposes. They were not able to supply them because they, too, claimed that they had no executive power to force the people to work in the plants.

KEHRL: I may tell you, Gauleiter, that the conference with Bichelonne was not concluded without your having been contacted. After the first meeting, the Minister had a conference with you in the afternoon, when he discussed with you the idea of the protected plants.*

Now these S-plants were declared in France on the strength of this action, and the figures prove that up to 1.2 to 1.3 million people are working in these plants. In Belgium things went more slowly because the scrutinizing took longer, and also because the programs there were not so distinct as they are in France. That is why at a later date—even in January—protected plants were declared, but it was always those plants only which were planned for our transfer production. This production is so tremendous that in the sphere of furniture, for instance, 50 percent of the total production is manufactured there for the bombed-out people of the remaining territories. As to the clothing industry, two-thirds of the total production is to be found in the occupied territories on 1 April, and so forth. That means, we have taken the territories where a transfer, as regards machines, etc., could be managed most easily. In my opinion there can be no change of procedure, once these plants have been declared protected plants. For the matter was expressly approved by the Fuehrer at the conference; the promise given to the French is a definite one, and if we change anything, we shall be running the danger of losing the confidence of the French workmen, and of seeing an immediate recurrence of the flight from the plants.

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* The International Military Tribunal, in its judgment, discussed the "protected plants" or "blocked industries" in dealing with the activities of Albert Speer: "Speer took steps in this direction by establishing the so-called 'blocked industries' in the occupied territories which were used to produce goods to be shipped to Germany. Employees of these industries were immune from deportation to Germany as slave laborers, and any worker who had been ordered to go to Germany could avoid deportation if he went to work for a blocked industry. This system, although somewhat less inhumane than deportation to Germany, was still illegal. The system of blocked industries played only a small part in the over-all slave labor program * * *." See Trial of the Major War Criminals, op. cit., volume I, page 332.

My suggestion is to stick to the fact that there cannot be any combing out. But in each protected plant a definite number of hands should be fixed which the plant manager cannot exceed, so as to avoid the plants taking on more workmen just to oblige them. Should that be the case already, the manager must be induced to discharge of his own accord all the surplus number of workers on his staff. He will be given the exact number of hands he can dispose of and the surplus he must send away, and the men discharged in such a way will be transferred to other protected plants.

The number of protected plants still needed is extremely high and it is covered only to a small extent by the influx. I am sorry to say that the influx does not reach the figures you seem to imagine. Before my last visit I had statements drawn up on the subject according to the reports from the plants. The plants naturally make propaganda. But the number varies within a range of 40,000 to 60,000 workers, constituting additional personnel, whereas the need reported was about 400,000, and the urgent need [Sofort-Bedarf] about a quarter of a million. Thus the range is a relatively modest one. If in France there are 8 million workmen in industry, trades and crafts, and if 1.2 million are employed in these plants, there must surely be some usable hands left among the other workmen, too. And if we introduce a definite fixed personnel ceiling [Soll-Staerke] in the protected plants, there is still a sufficient reserve left from which people can be made available; always provided that, as you asked yourself—it is a question we are not here to answer—if the people do not obey the call voluntarily, they will actually be forced to do so. And you know the grotesque state of affairs which occurred in the fall. I will remind you of the letter from your representative there in which he describes a transport of 100 apprentices who were to be transferred to Germany; only 11 were reported to be at the station and of these 10 climbed off on the way so that finally only one crossed the frontier. This situation can only be done away with if we intervene with very severe executive measures, and that is possible only if the distribution of the troops all over the country is a fairly even one. But that is not the case. We have whole regions where there is not one soldier. The Military Commander has, I believe, 14 battalions at his disposal and with these he has to protect now all the important bridges, power stations, railways and streets, etc. That he is not in a position to do so is shown by the excessive number of attacks which take place on these installations. The troops are concentrated along the coast, which leaves a vacuum as regards troops in the interior of the country. The question arises whether

we are in a position to transfer still more garrisons to France from Germany. But the most important question is: how do the French judge the issue of the war and the military situation, for our authority there cannot be based on the fact that behind each workman there is a policeman, but only on the fact that they believe we shall win through. As soon as the military situation took an unfavorable turn for us, they thought that they could allow themselves acts of rebellion which they would not have ventured before. And if we can reinforce our authority again, they will fulfill their obligations to duty [Dienstverpflichtung] again to a much greater extent.

* * * * * * *

TRANSLATION OF DOCUMENT KEHRL 285
KEHRL DEFENSE EXHIBIT 254

EXTRACT FROM THE TENTH WEEKLY REPORT OF THE PLANNING OFFICE, 7 MARCH 1944, CONCERNING STATISTICAL METHODS OF SHOWING LABOR EMPLOYMENT*

Planning Office Reports - Berlin, 7 March 1944

Secret Government Matter

Pla 07211 g. Rs./7.3. 30 copies—30th copy

Tenth Weekly Report of the Planning Office
(For the week ending 3 March 1944)

* * * * * * *

B. Miscellaneous

I. *Labor Allocation.*—(1) It has been agreed with the Plenipotentiary General for Labor Allocation, the Reich Statistical Bureau, and the Self-Governing Organization of Industry, that in future a difference will be made between workers who will be employed in the industrial economy and the administration for the first time, and workers who will be transferred from one plant into another. From April 1944 on, the new allocation of labor will probably be statistically dealt with; also, at least approximately, the movement of allotted labor within the industrial economy and the administration. Workers leaving a job will be classified into two sections; namely, those who transfer from one plant to another, and those who leave the industrial economy for good (death, disability, induction into the forces, termination of contracts in the case of foreign workers, etc.).

* The extract reproduced here is the only extract included in the defense document.

(2) Commencing April, a quarterly report will be issued showing the total manpower figure, classified into the most important branches of the economy. This report will be based on the statement of the manpower position of the Reich Statistical Bureau as per 31 May.

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PARTIAL TRANSLATION OF DOCUMENT NG-1330
PROSECUTION EXHIBIT 2624

TELETYPE FROM LOHSE, REICH COMMISSIONER FOR THE "OSTLAND," TO MARTIN BORMANN, 23 MARCH 1944, CONCERNING CONFLICTING DEMANDS FOR CONSCRIPTION OF THOUSANDS OF ESTONIANS AND LITHUANIANS BY VARIOUS GERMAN AGENCIES AND REQUESTING A HITLER DECISION THAT ALL DEMANDS "TO OSTLAND" GO THROUGH CHANNELS

Copy

(Teletype)

Gauleitung Schleswig-Holstein* 25 March 1944, 1020 hours
To Reich Leader, Party Member Bormann
Fuehrer's Headquarters

Secret

Subject: Teletype message of 24 March 1944
Dear Party Member Bormann:

The Fuehrer's mobilization order has become known to me only as regards Estonia by teletype of Field Marshal Keitel; according to this order, conscription [Aushebung] by the Waffen SS must be promoted with all means at our disposal regardless of economic considerations. About the intended conscription of a further 10,000 men in Latvia, beyond the figure of 20,000 men fixed on 16 November 1943 at a conference with the Fuehrer, I have only learned from SS Lieutenant General Jeckeln, who referred to a corresponding order of the Reich Leader [SS], of which I know nothing. This was confirmed to me only in reply to my teletype inquiry of 31 January 1944, which I sent to you. I had asked the Reich Leader [SS] by letter of 8 February to inform me in time of further drafts [weitere Einberufungen]. Concerning Lithuania, however, I unfortunately again *learned only from the Higher SS and Police Leader, who is subordinate to me, that the Reich Leader [SS] has given orders to him by telephone to conscript Army helpers [Kampfhelfer] Air Force*

* Reich Commissioner Lohse was also Gauleiter of Schleswig-Holstein.

helpers, etc. Up to now I have received, neither from the Minister for the Occupied Eastern Territories nor from the Reich Leader [SS], any verbal or written instruction or notification.

The drafting of 50,000 Army helpers for Army Group North I could subsequently discuss with Reich Minister Rosenberg and with the Reich Leader [SS] on 24 February in Munich. After this conference, however, a further 30,000 Lithuanians were in the same manner required for Air Force Service; 18,500 men for at first one division, and finally, young people as antiaircraft helpers for the Reich. Just now the Plenipotentiary General for Labor Allocation phones me that Field Marshal Keitel demands from the Plenipotentiary General for Labor Allocation, 40,000 Lithuanian draftees for the Navy. Apart from this, the Plenipotentiary General has made his well known demand for 100,000 Lithuanian workers for the Reich. In all this we have no instruction which of these demands to Lithuania has priority. While Sauckel with perfect justice insists on the 100,000 men duly requested by him through the Ministry for the Occupied Eastern Territories being first allocated, *the SS* demands *priority* for its own requirements. Owing to the difficult political situation in Lithuania, it must be *feared* that these uncontrollable encroachments into the tasks of the administrative powers [Hoheitsverwaltung] will in the end lead to a failure, *apart from the fact that no ordered administration can be maintained with such methods prevailing.* Meanwhile General *Model* has informed me that, for the time being, he needs only 20,000 Army helpers. Without letting me know, he recently conducted negotiations to this effect with the Lithuanian representative. Accordingly, I must state that I, in my capacity of responsible holder of sovereignty, have received neither verbal nor written instructions concerning this whole demand; and that not only are demands made by several agencies, but that also the civilian agencies, the SS and police agencies, and in the end also military agencies, negotiate with the indigenous representatives without letting me know.

I would therefore like to make the urgent request to you to obtain a *decision of the Fuehrer,* that all demands to Ostland made by any military and civilian agency must go through channels. All experiences have shown that the assertion is wrong that official channels are too complicated.

Heil Hitler!

Yours

Signed: LOHSE

953402—52——68

TRANSLATION OF DOCUMENT NO-1713
PROSECUTION EXHIBIT 3362

LETTER FROM DEFENDANT BERGER TO SUBORDINATE LEADERS OF THE POLITICAL LEADERSHIP STAFF, 6 APRIL 1944, CONCERNING FUTURE HANDLING OF THE MATTER OF AIR FORCE HELPERS

6 April 1944

Chief of SS Main Office/Be/Fe
VS-Journal No. 1841/44 secret
Adjutancy-Journal No. 854/44 secret
[Stamp] Secret

Subject: Air Force helpers

[Stamp]
Political Leadership Staff
Journal No. P. 350a/44 secret
Received 20 April 1944

To the Political Leadership Staff Enclosure
Reich Ministry for Occupied Eastern Territories
Berlin NW 7
Prinz-Louis-Ferdinand Strasse 2

The matter of the Air Force helpers[1] has taken such an unfavorable development that the prestige of the Reich East Ministry[2] came near to being severely damaged; that is, we were almost placed in a position of sharpest opposition to the policies of the Fuehrer. I therefore order:

1. Agreements of any kind which are not endorsed by me, are invalid.

2. I forbid any direct reports on this matter without my approval to the Reich Minister.

3. The total responsibility for these recruiting measures (posters, handbills, etc.) I transfer to Hauptbannfuehrer[3] Nickel. He will, in the true sense of the word, vouch with his life for a proper settlement of this problem.

4. On the future application of the educational and provisional possibilities laid out by the Reich East Ministry for this operation, further orders will be given after the officials concerned will have been consulted.

[Signed] G. BERGER
SS Lieutenant General

[1] See Document NG-1330, Prosecution Exhibit 2624, reproduced just above.
[2] East Ministry (Ministerium) was commonly used as an abbreviation for the Reich Ministry for the Occupied Eastern Territories.
[3] Rank equivalent to senior colonel in Hitler "Jugend," a Hitler youth organization.

2. Leadership Group P I, General Politics Ministerial Director Dr. Braeutigam
3. Leadership Group II, SS Brigadier General Dr. Kinkelin
4. Leadership Group III, Professor Dr. von Mende
5. Leadership Group IV, von der Milwe-Schroeden
6. Leadership Group P V, Haubtbannfuehrer Nickel
7. SS Captain Brandenburg Reich Eastern Ministry, for information

[Stamp] Political Leadership Staff [Handwritten] For filing, dated 17 April

TRANSLATION OF DOCUMENT NG-2196
PROSECUTION EXHIBIT 1812

TELETYPE FROM DEFENDANT RITTER TO GERMAN LEGATION IN BUDAPEST, 27 APRIL 1944, CONCERNING THE DEPORTATION OF 50,000 HUNGARIAN JEWS, AND MAKING RECOMMENDATIONS FOR ACTION IN CASE OF FURTHER DELAY IN DEPORTATION

Copy

Ambassador Ritter — Salzburg, 27 April 1944

No. 235

[Handwritten] For Legation Counsellor von Thadden
Teletype

Diplogerma

Budapest

Reference: Telegraphic directive of 18 April and cable No. 117 of 19 April 1944

Only for Department Chiefs

I. The Chief of the Security Police and of the Security Service informs us, regarding the deportation of 50,000 Jews, that their open labor assignment in the plants of the Reich is out of the question, because it would make illusory the completed evacuation of Jews from the Reich territory and the effected exclusion of Jews from the plants in the Reich.* On the other hand, there is no objection to placing the Hungarian Jews into labor camps in the Reich, which are under the control of the Reich Leader SS.

[Handwritten] Hungarian Case. To the files. [Initials] v. TH. [Thadden] Return to Ambassador Ritter.

The Chief of the Security Police and of the Security Service will issue a separate directive concerning the transportation question.

* Materials concerning the treatment of Jews are reproduced earlier in section IX B 1.

II. In case of a further delay in the deportation, I suggest that you express clearly in your telegraphic report that, on your part, everything possible and necessary had been done in order to carry out this operation as quickly as possible. [The remainder of this paragraph is crossed out in the original]. That the deportation of the Jews who were ready for shipment was delayed by the fact that the authorities in charge of the deportation and placement of the Jews did not make the necessary arrangements.

RITTER

PARTIAL TRANSLATION OF DOCUMENT R-124-Q PROSECUTION EXHIBIT 2290

EXTRACTS FROM THE MINUTES OF THE 58TH MEETING OF THE CENTRAL PLANNING BOARD, 25 MAY 1944, CONCERNING COAL PRODUCTION AND DISTRIBUTION, MANPOWER PROBLEMS AND RELATED MATTERS

Minutes of the 58th Meeting of the Central Planning Board concerning coal, held on Thursday, 25 May 1944, 1600 hours, at Berlin, Pariser Platz 4

Dr. Koppert/Lm.

25.5.44

KEHRL: The last time, during the last days of December or the first days of January, we spoke about coal. At that time we also discussed the precarious condition which would result in the field of coal in case of colder weather. Such a desperate prospect was presented with regard to the future of iron production that it called forth a very significant reaction within the Central Planning Board. Thanks to the favorable development in the weather, thanks to the increase in production, to the sustaining of traffic and numerous happy-chance maneuverings on the part of the Reich Association Coal, we have come through the 4 months period although we had to use a considerable part of our existing supply. The future situation is so aggravating that it is imperative to discuss the entire complex of questions. The time element is pressing because, in spite of these measures during the last 5 months, we were not accurately advised as to how we are, under the circumstances, to undertake distribution. Before we discuss the matter I consider it urgent for us to make a thorough review, especially with regard to the possibilities which exist, to relieve the existing situation. I should like to propose that Pleiger, first of all, make a statement relative to the entire production. The Central Planning Board has already received orientation in writ-

ten form from the voluminous report of the Reich Association Coal which is in the nature of a financial business report for the last year.[1] For a cursory summary reading, pages 3 and 4 of this report give a short condensation of the essential contents of the report.

PLEIGER: First of all I should like to suggest that Mr. Steinbrinck[2] later talk about Bekowest[3] Belgium, Northern France and Holland. Before that I want to give a rough preview and review of the case for the coal business year, 1943/44. The coal production for the business year 1943/44, of about 7.3 million tons of anthracite and 2 million tons lignite, fell short of the estimated plan for 1943/44. The cut-back and deficit in the production of lignite was brought about exclusively by the insufficient box car supply. The production results for 1942/43, of 3.8 million tons of anthracite, 3.3 million tons hard coal, 3.86 million tons soft coal was exceeded. I refer to the chart appendix 1. This was the case although the mining of anthracite and lignite coal slowed down considerably and for the following reasons: increased production resulting from Sunday workshifts had reached its limits; that is to say, we have, in direct contrast to all other industries, worked every holiday (also in the past coal economic year) and every month at least two Sundays; in every month which had five Sundays, three Sunday shifts. The possibilities have been exhausted. See the table.

The losses resulting from increased enemy operations, direct and indirect, cannot be established in figures; they are however, not very significant for the coal balance. Further, the increase in the average age level and deterioration of production standards of the employees resulted from the drafting of 56,491 miners; 31,000 of these for special procurement action. In addition there are the normally drafted age groups. That is the people who were normally drafted, chiefly the very young age groups.

It is further to be noted—numerically and qualitatively, insufficient replacement through foreigners and prisoners of war; use of foreigners delayed as against the staging plan. When the requests came in, we got moving every time 2 to 3 months later. I here also refer to the graphical chart. Difficulties in feeding the foreigners and PW's which were taken care of in camps. This has particularly severe consequences in the mining occupation and causes, on the other hand, equally severe reactions with

[1] The report mentioned, and the various charts referred to in these minutes, were not a part of the document introduced in evidence.

[2] Otto Steinbrinck was a defendant in the Flick case, Volume VI, this series. At this time he was Plenipotentiary for Coal in the Western occupied territories.

[3] "Bekowest" was the German abbreviation for Plenipotentiary for Coal in the Western occupied territories.

PW's, because particularly these miners and PW's are depending on better nourishment. Vegetable shortage, and above all shortage of potatoes in Upper Silesia, in the Ruhr area, and especially in the Central German and Sudeten German areas. Great wastage in industrial plants because of the more far-reaching exploitation of capacity and insufficient supply of replacement parts, etc. The insufficient supply of deep-mining machinery has in many shafts caused great losses. We had serious firedamp explosions, etc. We have to take these losses into consideration. We even have to expect greater difficulties in deep mining. The installations are no longer what they should be. Improper constructions cause sparks and that, in turn, causes firedamp explosions. But this has to be taken into consideration. I am afraid that we cannot get over that, even with the best of support.

For years now the loss of workers shows a strong increase, and not only among the foreigners, but also among the German shifts. The loss of weight among the miners is alarming. One could take the standpoint here, that a Sunday or holiday shift be dropped for once.

* * * * * * *

The supply of transportation will have to be developed in the same way as up to now. If the same thing happened on the Rhine as it had on the Danube, there might be a deficit of 80,000 tons in the West. In order to achieve really the output provided in plan 2, first of all the number and quality of the miners has to be kept on the same level as in 1944. No more German miners being drafted for military service in the Armed Forces can be replaced by foreign workers.

SPEER: At present, there is no intention of drafting.

PLEIGER: But we still are being strongly taxed for the deep mining program. I have already closed down all shafts to be flooded, and all miners of the shafts being flooded are assigned to other below surface mines. In addition, further 1000 to 1200 men have now been taken away from the production. All these things are additional burdens for the mining industry. On the other hand, we were promised workers from among concentration camp inmates [Kz-Straeflinge]. Whether or not this will be done, I cannot tell yet. Moreover, so many programs are being started, of which I do not yet know whether or not all of them are to be carried out. This is what we want to talk about today.

SPEER: That is currently being cleared up.

PLEIGER: The losses of German and foreign labor and the urgent requirements resulting therefrom can be estimated to 165,000, according to last year's experiences. These persons are, of course, only partly lost since we are returning the dis-

abled and sick foreign prisoners of war to the prisoner camps. We have now begun a new program in order to obtain the mine props. For this purpose we have selected sick or weak Russians, and will assign them to the lumber dealers to cut mine props for 2 or 3 months. There, the people may recuperate a little so that later they may be pressed into the mines again.

* * * * * * *

Herewith I am finished with my survey.

KEHRL: May I add the following in regard to this matter? For this purpose I ask you to look at the chart "Production and Use of Hard Coal." Because it is hard coal which presents our problem. It can be seen that the Reichsbahn [Railroads] used a surplus amount of over 3 million tons which, in the course of months, seemed relatively difficult to understand. This surplus requirement can clearly and in general be explained by the air bombing damages, and possibly by the long waiting periods during which the locomotives must continuously bring up steam. This surplus requirement is of course extremely difficult to meet. The additional requirement makes the same difference as the additional requirement of the iron producing industry, also chemistry and power. In order to achieve this goal, two things are necessary: (1) A sufficient supply for the current requirement. (2) To stock up an extra supply, one time only. At present the output of the Ruhr area amounts to about 375,000 tons per day. We must be able to achieve an average of 410,000 tons daily—we have already achieved 425,000 tons at one time. With this figure, an additional stocking up operation involving 35,000 men in the Ruhr area would be necessary. If we were to assign 35,000 Russian prisoners of war to the Ruhr in one period, this problem would be solved. This is one of the basic questions, aside from would be solved. This is one of the basic questions aside from the current deficiency which is important.

* * * * * * *

Please turn to page 24 of the report. You will remember that we promised the mining industry last year an allocation of 200,000 people. Approximately 200,000 people arrived. Since then 170,000 arrived. However, the decrease was higher than was calculated by the Reich Association [Coal]. Therefore the expected results could not be fully realized. Besides, the increase, as Pleiger said, was postponed for a few months so that the actual production, and connected with that the stocks, were proportionately smaller.

Please turn to page 9, where you find a survey of the situation. The bad conditions under which we entered the new year becomes obvious here. On page 9 the stocks that we had in April 1943

are compared to what we have in March 1944. A considerable decrease is noticeable in comparison with the previous year. This decrease continued in April. In May we covered the deficit partly with existing stocks.

PLEIGER: Please take a look at picture No. 3, [representing] the entire personnel employed in the mining industry. You can see there exactly at what time we started with the foreign labor allocation. That was at the end of 1941. You can further see how the allocation of German workers is decreasing and the portion of Eastern workers and Russian prisoners of war is again increasing. Added on top is a large portion of Italians. But when you look at the next chart, figures of the personnel required and figures of the personnel actually employed, you will see clearly, how sharply the curve turns inward; also with brown coal. A way for relief must be found here. If one considers 800,000 Russian PW's are working in Germany, occupying positions that can be filled just as well by Italians, 150,000 to 320,000 of these 800,000 PW's could be transferred to mining. One cannot use Italians in mining; they can't take it, they are physically incapable, not even brute force will do. The Russians, however, are developing excellently, particularly when they are halfway decently fed. At any rate we should follow this path. When things become more difficult in the West, and when nothing can be done anymore in Belgium and North France, only in that way can we bridge the difficulties in Lorraine and Luxembourg with strong labor allocation in the Ruhr.

KEHRL: I believe that there are two possibilities to remove these difficulties. In contradiction to Pleiger, I believe that we cannot get along entirely without Italians, if it were for no other reason that we can actually get Italian miners. We have shut down in Central Italy practically all mines, because we cannot transport the material anyhow. As far as the Italians who were employed there as miners are concerned, they will have to be utilized properly by us. Because the physical demands with us are not very different from those in Italy. This involves at least 20,000 miners that we can free this way. We could possibly even it out a bit, adjusting the hard coal and brown coal sectors, through appropriate shifting of the miners. Then, naturally, also the prisoners of war must be X-rayed. One could achieve quite a bit by a system of exchange.

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PLEIGER: As far as capacity is concerned, and this I want to make absolutely clear, the Ruhr district is absolutely capable to produce the demanded quantities; that is, also 450,000 tons daily, if we put enough workers on the job.

KEHRL: Will you please turn to page 29 of the report. You can see there how the losses of personnel, which comprise an important factor, are computed. The losses of personnel are as follows: Germans 4½ percent; foreigners 5 percent; the same is true for recruited workers.

PLEIGER: There are the Bulgarians, Hungarians, Belgians, etc.; they do not stay on the job on principle. It is impossible to hold on to these fellows.

KEHRL: When their term is ended, they run off again. As far as the Eastern workers are concerned, who are prisoners of war, a 20 percent loss of personnel is counted on; with Immi [Italian military internees] (?) [sic], 40 percent.

PLEIGER: The losses of Eastern workers have become so great above all because we have received these people from agriculture. Before they were sent to the pits, they were with farmers. Each one of them, when he came from the farmer, had with him a good size parcel of sausage, bacon and bread, etc. The farmers had figured that this way the people would return to them. In fact, it was an enormous success, in favor of agriculture. These people just cannot be kept in the mines in the long run. Once they have been in agriculture, they just run away from us. This tendency can be observed all along, in the Ruhr district, and even worse in the region of Upper Silesia.

ROHLAND:* Is there not the possibility to concentrate the refugees for 2 to 3 months in training camps? This involves approximately 30–40,000 men per month. These are quite considerable figures. The results of the training is really fantastic. I have the strong conviction that these people may be utilized in the mining industry.

SPEER: We shall discuss this matter later on.

* * * * * * *

First of all, it must be stated: The Central Planning Board is of the opinion, now as before, that coal, as most important basic product, requires first production priority. This has been stressed in every meeting, ever since the Central Planning Board existed. It is useless to increase other productions, if the basic raw materials cannot be increased at the same time. During an emergency situation we had to place the fighter plane production into the foreground. That was necessary since with a complete shut-down of the fighter plane production, the coal production would have lost its purpose. That, however, does not change the

* Walter Rohland was head of the Main Committee Tanks and Tractors in the Speer Ministry, and Deputy Head of the Reich Association Iron. He also held membership in governing bodies of a number of mining and steel enterprises, including chairmanship of the managing board of the Vereinigte Stahlwerke, Germany's largest steel concern. Rohland testified in the Flick case, Volume VI, this series.

basic conception, namely that coal must have top priority. This whole discussion, without being clearly stated, centers more and more around this point—Can the coal which is produced still be delivered to the consumer? This point of view has not particularly been clarified; only Steinbrinck has definitely pointed out in his speech that in view of the continuous air attacks he had, in the West, been placed into a situation similar to that which had threatened us for a period after the destruction of Hamburg.

* * * * * * *

Now the labor problem in Germany. I believe that it will be possible once again to obtain something from the areas in the West. Just recently, the Fuehrer has declared that he wants to dissolve this complicated matter because he is under the impression that the Army groups carry too much of a load. Therefore, if this can not be handled by us, a conference must be planned with the Fuehrer whereby the entire coal situation will be clarified. Keitel and Zeitzler will also be invited to decide how many Russians can be obtained for us from the Army Group Rear Areas. I see one more possibility in that we carry out another program to obtain persons from among the Russian prisoners of war in the Reich for the mining industry. However, that program cannot be counted on too strongly.

PLEIGER: Those from agriculture do not remain with us. They can't be assigned with us so that they remain.

SPEER: In agriculture they can most easily be spared.

KEHRL: Because we can most easily replace them there through female workers.

PLEIGER: I will consider it.

KEHRL: I believe we ought to make a sort of a special procurement action [SE-Aktion] for Russian prisoners of war, in the mining branch. It's a case of a one-time measure here for the mines. If all are participating in it, then agriculture will also reach the goal besides forestry, etc. If we pump an additional 30–40,000 people in the Ruhr, the matter will be settled. As long as we stay below 400,000 tons, those are only artificial measures which last as long as the stocks. After the stocks have sunk, we are stuck.

PLEIGER: One must not overlook in this connection—even if I get these additional workers, it will take 2–3 months till a relief is noticeable. It's been like that in all the years up to now. You speak of the transfer of workers from other territories. Actually you only draw from France the Eastern workers which we pumped into France. To get French miners here is an impossibility. Only 350 men have reported by way of the volunteer action from the South of France. Now it is possible that the

food position in France, as is to be expected, will become more serious, and hunger will drive the people, so that they are more inclined to go to Germany—if possible, with their families. But even from that I don't expect much. These people are so tied to their factories; they don't go away so easily, we can't coax them out. In my opinion, the only possibility which promises success, is that we really take on Russian prisoners of war. They have, just as during World War [I], given the best account of themselves in the mines. All other measures lead to nothing. I am firmly convinced if we settle other workers from other countries, like Italians or Hungarians, we will have a failure. These people can in the best case be used for digging.

KEHRL: But there are also Italian miners in Italy, even if there are mainly brown coal mines.

PLEIGER: That's possible, certainly. But the brown coal mines do not bother us too much. The hard coal mining is what gives us trouble. We will manage the brown coal sector without difficulty.

SPEER: I don't think we will get Russians for this purpose, without trouble. For that, a Fuehrer's decision is necessary.

KEHRL: The difficulty is not only to settle the matter with a single effort, but the constant loss, which will lead to a dissolution of the stocks. We must have a continuous source and that source is not available.

SPEER: We must come to an understanding with the Reich Leader SS as soon as possible, so that prisoners of war who are in his custody can be diverted for our purposes. 30–40,000 men come to the Reich Leader SS per month. These must be sorted out to begin with. From what branches do these people come, by the way? Surely there is also a certain percentage of miners amongst these people, which are caught there. These few thousand men must automatically go to coal mining. Certainly there is still education to be provided. These people would be treated as convicts in the plants. But they must return to the plants where they were previously. In addition, we may arrive at the point where we can bring people from agriculture to the coal [industry]. Since then a large number will leave, and these people are not going into the coal [industry], they are going home.

KEHRL: I should like to propose that I first discuss the entire complex problems with Lieutenant General Pohl.* To the same end, the Reich Leader SS might participate in the conference with the Fuehrer, so that we will arrive at a solution of the matter at once.

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* Evidences concerning prisoners of war placed in the custody of the SS are reproduced in the materials on the Pohl case (Vol. V, this series).

SPEER: In any case the affair must be discussed in this direction.

* * * * * * *

PLEIGER: Herr Minister, I reported previously that we could not use the foreigners who were employed under working contracts in the mines. The people were only assigned for 1 year. They need half a year to get used to that work. Then they disappear.

SPEER: Kehrl, we want to clarify the question of fluctuation in the mining industry!

KEHRL: Yes, indeed.

PLEIGER: 165,000 for the entire mining industry; that is the imperative matter for the fulfillment of the program.

KEHRL: For the entire year in the coal economy. We must stress the point so that we obtain first a strong push in order that we may attain a level to cover that which we currently consume.

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TRANSLATION OF DOCUMENT KEHRL 279
KEHRL DEFENSE EXHIBIT 257

EXTRACT FROM THE 21ST WEEKLY REPORT OF THE PLANNING OFFICE, 9 JUNE 1944, CONCERNING PLANNING OF LABOR ALLOCATION, AND GIVING STATISTICS ON MANPOWER*

Planning Office — Berlin, 9 June 1944
Pla. 07221/9.6.

Top Secret

30 copies—7th copy

21st Weekly Report of the Planning Office
(For the week ending 27 May 1944)

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B. Miscellaneous

I. *Planning of labor allocation.*—Development of the labor allocation position in the first quarter of 1944, based on the statements and estimates of the large priority concerns:

(1) *Armament and war production.*—Number of workers allotted by the Plenipotentiary General for Labor Allocation, 500,000; in the opinion of the Armament Office this more than covers the considerable number of departures. (In *A* and *B* industries, the decrease is 30,000.)

* The extract reproduced here comprises the complete document as introduced in evidence.

(2) *Forestry and timber economy.*—New workers employed 40,000; departures 60,000; decrease 20,000.

(3) *Agriculture.*—New workers employed 60,000; number of departures cannot be definitely established, but exceed 60,000. Of the 100,000 workers released to forestry and the timber industry, 50,000 were brought back; and from the 100,000 released to the armament industry, 18,000 (including April, 57,000). Meanwhile it was agreed that the armament industry should definitely keep 10,000.

(4) *Transportation.*—New workers employed 78,000; departures 85,000, decrease therefore 7,000. Number of allotments by Plenipotentiary General for Labor Allocation, 212,000. This figure also includes all allotments for short-term occasional employment.

(5) *Survey.*—For the first time a not inconsiderable decrease of approximately 300,000. The new employment of 50,000 to 80,000 foreigners a month (22,000 Frenchmen and Italians, as well as 10,000 to 15,000 Belgians and Dutchmen) more than covered the considerable number of departures. The labor book* statistics of the Plenipotentiary General for Labor Allocation as per 15 February 1944, shows the same decrease.

* * * * * * *

* Foreign workers were provided with individual labor registration books looking somewhat like passports. Each contained the bearer's name and other personal data, the name and location of his employers, remarks about punishments, etc.

TRANSLATION OF DOCUMENT NG–1509
PROSECUTION EXHIBIT 2635

LETTER FROM SAUCKEL TO DEFENDANT LAMMERS, 28 JUNE 1944, REPORTING UPON DEVELOPMENTS IN PROCURING LABOR FROM ITALY AND REQUESTING SUPPORT FROM LAMMERS

3 July 1944 RK. V5622C [Illegible handwriting]
The Plenipotentiary for the Four Year Plan
The Plenipotentiary General for Labor Allocation
GBA 1355/44

Berlin W 8, 28 June 1944
Mohrenstrasse 65
(Thuringia-house)
Telephone: 126571

[Illegible initial] 3 July
(1) First respectively submitted to the Reich Minister
(2) Gz [Initial] L [Lammers] 4 July
[Illegible initial] 3 July
[Initial] KR [Kritzinger] 3 July

Dear Reich Minister and Party Comrade!
Dr. Lammers!

Please excuse the belated submission of the result of my conferences in Italy. I beg to enclose the copy of the arrangements.* In spite of this arrangement, reached not only by all German agencies but especially also by the Duce during a personal conference, the *results* of the labor effort from Italy leaves much to be desired. The previous draftings of entire age groups have been obeyed *only to a very small extent.* The Italian Government, including its subordinate offices, is neither in the position nor even partly willing to comply loyally with the concluded agreements. Thereby it is beyond doubt that manpower is sufficiently available in Italy. It is my personal opinion that, because of the difficult condition of the labor allocation, we can not avoid applying more severe measures in Italy if we do not want to run the risk of getting no manpower whatsoever from this area in the future. The latter is entirely impossible in view of the growing demand of the German war industry and the increasing drafting into the Wehrmacht.

I would be much obliged, if I could count on your valuable help in this respect also in the future.

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* The copy of the arrangements mentioned was not a part of the document offered in evidence.

With the kindest regards and Heil Hitler!

Yours truly,
[Signed] FRITZ SAUCKEL

[Handwritten marginal note]
1. Taken care of by conference on 11 July 1944. Filed, [Illegible initial] 28 July

[Handwritten] JPD 1676

To Reich Minister Dr. Lammers
Reich Chancellery, Berlin W 8
[Handwritten] Krieg 21 V

TRANSLATION OF DOCUMENT KEHRL 281
KEHRL DEFENSE EXHIBIT 258

EXTRACTS FROM THE 25TH WEEKLY REPORT OF THE PLANNING OFFICE, 5 JULY 1944, CONCERNING THE MILITARY CONSCRIPTION OF WORKERS IN FORESTRY, THE SUBMISSION OF DRAFT ORDINANCES BY THE PLANNING OFFICE AND THE ARMAMENTS OFFICE, AND STATISTICS ON MANPOWER*

Planning Office
Pla. 07221/5/7 Berlin, 5 July 1944

Top Secret

30 copies—7th copy

25th Weekly Report of the Planning Office
(Week ending 24 June 1944)

* * * * * * *

B. Miscellaneous questions

I. *Planning of labor allocation.*—(1) OKW intends to call up, at the beginning of July, 10,500 conscripts from the forestry and the lumber industry. These drafts will mean a falling off in the cutting of lumber, as the number of essential firms [UK Gesellschaften] in the whole forestry and lumber industry is today only about 70,000.

(2) The Planning Office has jointly, with the Armaments Office, submitted to the Reich Minister drafts for ordinances concerning—

(*a*) Fixing of a standard sickness rate in every industry [WiGru]. Plants in which the standard rate is exceeded will receive no new allocation of workers and will be combed out [ausgekaemmt].

* The extract reproduced here comprises the entire document as offered by the defense.

(*b*) More stringent measures [for] slackers. Punishment of the plant manager.

(*c*) Increase in the [production] output of foreigners.

(*d*) A stricter watch on prisoners of war by guard details (OKW order).

(*e*) Stricter control of demands for labor.

(*f*) Diminution of changes in programs and construction projects.

(3) In the iron-producing industry, the staffs were increased from the beginning of 1943 to the end of 1943 by 12 percent. In the same period, raw iron production decreased by 4 percent and the raw steel production by 8 percent. Thus the reduction in output per head amounted to 14 percent in raw iron production and 18 percent in raw steel production. Rolling mill finished products showed a decrease in output of 17 percent during the year 1943.

(4) Movement in the *number of workers* from 31 May 43 to 30 November 1943—

(*a*) *Agriculture.*—Increase in number of workers 10,000 (the induction of 150,000 men was more than compensated by the increase of foreign civilian workers).

(*b*) *Forestry.*—Decrease in workers 16,500 (15,000 inducted, withdrawal of 12,000 German women, increase of 4,500 foreigners).

(*c*) *Industry.*—Increase in number of workers 122,000 (216,000 inducted, decrease of 5,000 German women, increase of 340,000 foreigners and PW's).

(*d*) *Trades.*—Decrease in number of workers 38,000 (120,000 inducted and combed out, decrease of 20,000 German women, increase of 100,000 foreigners and PW's).

(*e*) *Transportation.*—Increase of 23,000 men (decrease of 55,000 German male workers, mainly because of induction). Increase of 20,000 German women workers and 58,000 foreigners and PW's.

(*f*) *Distributive trades.*—(Commerce, tourist industry, banking and insurance.) Reduction in number of workers 114,000 (mainly because of induction).

(5) Setting up of a committee of experts in the Armaments Office with a view to increasing *work at home.* Favorable reports have been received from Nuernberg, Dresden, and Thuringia. Setting up of a traveling exhibition. Arrangements for exchange of experience between the various districts.

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PARTIAL TRANSLATION OF DOCUMENT NG–3355
PROSECUTION EXHIBIT 2631

FUEHRER DECREE ON THE TOTAL WAR EFFORT, 25 JULY 1944, AND DECREE OF 25 JULY 1944 APPOINTING GOEBBELS AS REICH PLENIPOTENTIARY FOR THE TOTAL WAR EFFORT

Copy to Rk. 6230 C III*

Decree by the Fuehrer on the Total War Effort, dated 25 July 1944

War conditions demand that all sources of manpower be fully exploited for the purpose of the Wehrmacht and armament industries. I therefore order:

I

Reich Marshal Hermann Goering, Chairman of the Ministerial Council for Defense of the Reich, has the task of adapting the whole of public life in all its phases to the demands of total warfare. For the execution of this task, he has suggested that I appoint a "Reich Plenipotentiary for the Total War Effort." The latter has the special task of ensuring that all public functions are in keeping with the aim of total war and that they do not draw any manpower from the Wehrmacht and armament program. He must examine the whole state machinery including the Reichsbahn, the Reichspost and all other public institutions, installations and enterprises, with the aim of releasing a maximum of manpower for the Wehrmacht and the armament industries by the most economical employment of labor and material, by the closing down or restricting of less important war enterprises and by a simplification of organization and procedure. For these purposes, he is entitled to ask for information from, and to give directions to, the Supreme Reich Authorities.

The necessary legal regulations and basic administrative orders to be issued by the Supreme Reich Authorities concerned will be published in agreement with the Reich Minister and Chief of the Reich Chancellery, the Chief of the Party Chancellery and the Plenipotentiary for the Administration of the Reich.

II

By throwing in the full weight of the Party, the Chief of the Party Chancellery, according to the powers he received, will energetically support the measures ordered by me.

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* Copies of this decree and the related decree reproduced immediately following were transmitted to various leading Reich agencies in the occupied countries by defendant Lammers on 26 July 1944. The transmittal letter has not been reproduced here.

953402—52——69

III

Appeals against directions by the Plenipotentiary for the Total War Effort are to be directed to him. If no agreement can be reached, my decision is to be obtained in a consultation in which the Reich Minister and the Chief of the Reich Chancellery is to be included.

IV

All previously issued authorizations and commissions in contradiction with this decree are herewith annulled.

V

This decree applies to the area of the Greater German Reich and correspondingly to the incorporated and occupied territories.

Fuehrer Headquarters, 25 July 1944

The Fuehrer
Signed: ADOLF HITLER

The Reich Minister and Chief of the Reich Chancellery
Signed: DR. LAMMERS

The Chief of the Party Chancellery
Signed: M. BORMANN

(Great Seal of the Reich)

Decree of 25 July 1944, signed by Hitler, Goering and defendant Lammers, appointing Goebbels as Reich Plenipotentiary for the Total War Effort

Copy to Rk 6230 C III

In accordance with my decree of 25 July 1944, concerning total war effort, and on suggestion of Reich Marshal Goering, Chairman of the Ministerial Council for Defense of the Reich, I appoint Reich Minister Dr. Goebbels as "Reich Plenipotentiary for the Total War Effort."

Fuehrer Headquarters, 25 July 1944

The Fuehrer
Signed: ADOLF HITLER

[Signed] GOERING
Signed: DR. LAMMERS

(Great Seal of the Reich)

PARTIAL TRANSLATION OF DOCUMENT NO–1759
PROSECUTION EXHIBIT 3394

REPORT FROM NICKEL TO STRAUBE OF THE POLITICAL LEADERSHIP STAFF OF THE EAST MINISTRY, 19 OCTOBER 1944, CONCERNING DEVELOPMENTS OF THE PROJECT TO RECRUIT JUVENILES FROM VARIOUS OCCUPIED TERRITORIES FOR WORK

Copy Berlin, 19 October 1944

The Reich Minister for the Occupied Eastern Territories
Office of Hauptbannfuehrer Nickel
Berlin C 2, Klosterstr. 79
No. 717/44 secret
To Political Leadership Staff
SS Second Lieutenant Dr. Straube, Michendorf

Secret!

Subject: Report on the activity of the Office of Hauptbannfuehrer Nickel in the Reich Ministry for the Occupied Eastern Territories.

On 5 March 1944, I was ordered to establish an office with the task of recruiting young 15–20 year old persons from the nations of the Occupied Eastern Territories for war work in the Reich. The clarification of political questions and questions of work, the composition, and assignment of the personnel and the construction of reception camps, the supply of clothing and equipment, the establishment of offices, the drafting and the supply of initial propaganda material, and the establishment of outside commands required time until 27 May 1944. The longest period was required for the clarification of the political questions which led to constant arguments with the subordinate offices of the Reich Ministry for the Occupied Eastern Territories, especially in Riga and Kaunas.

This office could begin with the practical work—

a. On 27 May 1944 in the central section of the then Eastern Front

b. On 4 June 1944 in the southern section of the then Eastern Front

c. On 15 June 1944 in Lithuania

d. On 15 June 1944 in Estonia

e. On 12 July 1944 in Latvia

From then onward until 20 September 1944—that is, in hardly 4 months—the following were assigned for work:

1. 18,917 boys
2. 2,500 girls

21,417 total

Regarding 1—The boys were distributed as follows:

a. 1,383 Russian SS helpers

b. 5,933 Ukrainian SS helpers

c. 2,354 White-Ruthenian SS helpers

d. 1,012 Lithuanian SS helpers

e. 3,000 Estonian Air Force helpers

f. 3,614 Latvian Air Force helpers

Those listed under *a-f* are all assigned to the Air Force, namely—

1,000 with Air Force signals

1,000 with motorized air raid protection

265 in shipyards

all the others with the antiaircraft artillery

g. 302 Russian SS helpers who could not be returned and were turned over to 9th Army headquarters in Bobruisk, have been assigned to the troop and most of them have fallen.

h. 346 Estonian Air Force helpers were turned over to the Navy as Naval helpers.

i. 250 selected Ukrainian SS helpers were, after a preparatory training lasting 8 weeks in a replacement depot [WE-Lager], turned over to the Galician infantry division[1] as NCO material.

k. 96 persons over 20 years were turned over to the SS Main Office in exchange for Germanic volunteers from the German armament industry.

l. 81 boys under 1.40 m were turned over to the air force signal repair shop 8/III in Hohenfriedberg (East Prussia) for training as apprentices.

m. 99 unfit persons were turned over to the Building Office of Reich Youth leadership for KLV constructions.

n. 427 persons over 45 years were turned over to the Air Force.

41 boys so far fallen, 2 boys received the Iron Cross Second Class.

Regarding 2. 500 girls of Ukrainian and Russian ethnic stock were turned over to the Air Force to be employed on searchlight batteries.

2,000 girls are at present employed in trench work at the Baltic Sea under the leadership of BDM[2] leaders and will afterwards go to the Air Force.

All agencies are satisfied with the young persons sent to them. The boys are enthusiastic about the work but modest on the other

[1] Reference is apparently to the 14th SS (Galician) Infantry Division.

[2] Reference is to the Bund Deutscher Maedel (BDM), Nazi youth organizations for girls between ages 14–21.

end. From the education point of view anything can be achieved with them. The education in the Air Force is carried out through my office in accordance with the directives received.

Over and above these persons, more personnel had been sent to the German armament industry, namely—

(1) 3,500 boys and 500 girls to the Junkers plants

(2) 2,000 boys and 700 girls to the OT

Total 5,500

* * * * * * *

On 1 August 1944 this agency received the order to extend its activity over the members of the emigration of the Eastern peoples in the Reich and in the occupied territories. As far as the occupied territories were concerned, the order came too late. About this whole matter, it will only be possible to report later on.

Furthermore, since that time orders of the most variegated nature were given to this agency, which orders either can only lead to partial results or which came too late, especially in France, Belgium, Serbia, and Greece. At present, this agency, following the establishment of new detachments and reorganization of the entire work, deals:

(*a*) With the Hitler Youth Operational Combat Detachment [HJ-Kriegseinsatzkommando] Netherlands

(*b*) With the Hitler Youth Operational Combat Detachment Adria

(*c*) With the Hitler Youth Operational Combat Detachment South in Slovakia and Hungary

(*d*) With the Special Detachment [Sonderkommando] First Lieutenant Nagel, in the refugee camps in the Reich

(*e*) With the field-agencies [Aussenstellen] Vienna, Poznan-Lodz, Prague and Berlin, in connection with the emigration of the Eastern nationalities

(*f*) With detached Einsatzkommandos, in connection with the evacuation [Rueckfuehrung] of ethnic Germans from the Southeast

The Hitler Youth Operational Combat Detachment Poland is being set up, and a detachment for Northern Italy and the Protectorate is in preparation.

* * * * * * *

Heil Hitler!

The Chief of the Agency

Signed: NICKEL

(Nickel)

Hauptbannfuehrer

L.S.

C. Testimony of Defendants Koerner, Lammers, Kehrl, Pleiger and Berger

I. TESTIMONY OF DEFENDANT KOERNER

EXTRACTS FROM THE TESTIMONY OF DEFENDANT KOERNER*

DIRECT EXAMINATION

* * * * * * *

DR. BERGMANN (associate counsel for defendant Koerner): Witness, I now pass to count seven of the indictment—forced labor. You are charged with having participated in the slave labor program in your various functions. First, on account of your activity as State Secretary in the Four Year Plan; second, on account of your work as a member of the Central Planning Board; and finally, in connection with your position as Chairman of the Supervisory Board [Aufsichtsrat] of the Reich Works Hermann Goering. First of all, I will deal with your position as State Secretary. Witness, what was the connection of the Four Year Plan with labor allocation generally, and since when had the Four Year Plan handled labor questions?

DEFENDANT KOERNER: In my testimony concerning the aims of the Four Year Plan I have already commented that the Four Year Plan, in particular, represented an extension of industrial and agricultural production. When announcing the forming of the Four Year Plan, notable quantities of labor were no longer available because the measures since 1933 had done away with the vast army of unemployed. As an example of the work that had absorbed a large amount of this labor, I might just mention the building of the Autobahn, road building in general, housing, industrial expansion, and so on. So there was already a considerable labor shortage, especially of skilled workers, in almost all spheres at the time when the Four Year Plan started work. That is why it was a task of priority for the Four Year Plan, within the framework of its organization, to divide the available labor between the various people requiring it.

Q. Witness, even before the founding of the Four Year Plan there were difficulties of that kind; otherwise, the Four Year Plan would not have dealt with labor allocation. What agency or agencies in Germany before the founding of the Four Year Plan, that is, before the fall of 1936, were concerned with labor allocation?

A. The supreme Reich agency in this sphere was the Reich Ministry of Labor, but for the time being it had no apparatus

* Further extracts from the testimony of defendant Koerner are reproduced in Volume XII, section VI B and VI H, and above in sections X C 2, X D 2 and X E 2.

to handle labor assignment; that is, it had no provincial authorities for labor allocation. The procurement of jobs rather lay in the hands of a special institute; that was the Reich Institutes for Employment Registration and Unemployment Insurance [Reichanstalt fuer Arbeitsvermittlung und Arbeitslosenversicherung]. To this original institute were subordinated the provincial labor offices; and to these, in their turn, the [local] labor offices. Only later, in 1938 or 1939, was the Reich Institute, which until then had been a separate corporation, joined with the Reich Ministry of Labor, so that now the provincial labor offices and labor offices were subordinated directly to the Reich Ministry of Labor. And so the Reich Ministry of Labor obtained its apparatus.

Q. Witness, you just mentioned the Reich Institute. To clear that up, that always means the Reich Institute for Employment Registration and Unemployment Insurance?

A. Yes.

Q. (To interpreter): And may I ask how you translated "Arbeitsvermittlung"?

A. (By interpreter): Employment Registration.

Q. (To defendant Koerner): Witness, before I continue, would you please tell me whether this institute for labor allocation was an institute of the National Social State, or since when had it existed?

A. The original labor allocation administration was, as I already described it, in existence under the Weimar Constitution and had been set up in the early twenties.

Q. And in what way did the Four Year Plan affect this organization?

A. Not at all, directly. By Goering's decree of 22 November—no I mean 22 October 1936—apart from the other divisions, two divisions* were created for labor questions. These divisions for labor existed up to 1942. When Sauckel was appointed Plenipotentiary General for Labor Allocation, they were dissolved.

DR. BERGMANN: May it please the Tribunal, the witness was referring to the decree of 22 October 1936, Document NG–1221, Prosecution Exhibit 3460, book 118–A, on page three of both English and German.

Witness, would you please explain the composition of the two divisions for labor which this decree mentions? Please explain that.

PRESIDING JUDGE CHRISTIANSON: Excuse me; what was the number of the exhibit? What exehibit number did it have?

* The German term "Geschaeftsgruppe," here translated as "division," has also been translated as "business group."

DR. BERGMANN: 460, book 118–A.

PRESIDING JUDGE CHRISTIANSON: I think you are liable to be a little bit wrong about that, Counsel. We seem to have some difficulty finding the prosecution exhibit.

DR. BERGMANN: No, not 3460—just 460.*

PRESIDING JUDGE CHRISTIANSON: That is quite a bit different.

DR. BERGMANN: Anyway, it is page 3.

PRESIDING JUDGE CHRISTIANSON: That is right; that is correct.

DR. BERGMANN: Witness, would you please explain the composition of the two divisions for Labor?

DEFENDANT KOERNER: The Divisions for Labor consisted altogether of two people—Dr. Syrup and Dr. Mansfeld. Dr. Syrup had, since the twenties, been president of the aforementioned Reich Institute for Labor Registration and Employment Insurance. When his agency was amalgamated with the Reich Ministry for Labor, that is 1938 or 1939, he became State Secretary in the Reich Ministry of Labor. Syrup, as I would like to repeat, as President of the Reich Institute, already had been in charge of labor allocation. Accordingly, he was given the labor allocation group of the two Divisions for Labor. Dr. Mansfeld was the Ministerial Director in the Reich Ministry of Labor and head of the Department for Labor Law and Wage Policy. He had the division for Wage Policy in the Four Year Plan. These terms, incidentally, sometimes vary or get mixed up. Factually, however, it is as I described it.

Q. Witness, did I understand you correctly, that Mansfeld was Ministerial Director in the Ministry of Labor and, within this Ministry, was simultaneously head of the Labor Law division and Wage Policy division?

A. Yes. That is right.

Q. Witness, what organizations were subordinate to these two members of the Divisions [for] Labor? That is, Syrup and Mansfeld?

A. In their capacity as a Division, no organization or agency was subordinate to them at all. They did their work in the Reich Ministry of Labor, though Dr. Syrup was at first in the Reich Institute. As a result of their appointments as heads of the Divisions, they were just connected with the Four Year Plan in an organizational way. The most important thing was that this put Goering's authority behind them and, in addition, they were under the obligations to bring their measures into line with the demands and needs of the Four Year Plan, and coordinate them.

* * * * * * *

* Document NG–1221, Prosecution Exhibit 460, is reproduced in volume XII, section VI B.

Q. Witness, you have already stated that, as State Secretary, you were Goering's deputy in current affairs. In this capacity, did you have powers to give instructions to Syrup and Mansfeld?

A. No. My position toward Syrup and Mansfeld was exactly as it was towards all other divisions. I was not their superior and had no right to give instructions. To deputize in current affairs did not include the right to give instructions. If Goering had given instructions, then the division alone was responsible for carrying them out.

Q. Witness, would you perhaps explain that to the Tribunal with an example? Can you give us such an example?

A. If, for instance, factories were set up to manufacture synthetic materials, and if the Plenipotentiary for Chemistry reported that he had difficulties in obtaining labor, then I would get in touch with Syrup and ask him to remove these difficulties. I would point out to him, of course, how important the work was, so that by his measures he might help remove the difficulties. What measures Syrup took, however, I left entirely to his discretion. I did not mix in these internal matters.

Q. Did I understand you correctly, that this was a kind of attempt to mediate or, as you have said, a result of your function in coordinating the agencies? Tell me, Witness, what happened when such an effort to mediate failed? Let us assume that, for a certain plan, large quantities of wood were required and that attempts to get this wood in Germany or abroad failed. Let us further assume that the interested parties, since it was a plan connected with the Four Year Plan, now turned to you, and you got in touch with the head of the Division for Forestry, which also existed. If the head of the Division for Forestry, State Secretary Alpers, turned a deaf ear to your wishes and refused to do anything about providing the wood, for instance, by cutting more trees in Germany, what would you do in that case? Did you have any chance of telling Alpers, that is, the head of Division for Forestry: Now you will do so-and-so, give him instructions?

A. In such a case I would do something like this. If my mediating attempts failed and the various opinions could not be made to coincide, then I had no chance to give any instruction on my own and, for instance, telling Alpers that he must supply the wood. In such a case it was my task to inform Goering immediately, and to ask him to make a decision in view of these various conflicting opinions. In addition, of course, it was my duty to prepare Goering's decision by providing the data, if necessary, obtaining comments and everything else necessary.

JUDGE MAGUIRE: Right there—Witness, I didn't mean to interrupt your answer, if you have not finished. I will wait until you have finished, but I would like to ask a question on that subject. But if you have not finished your answer, go ahead.

DEFENDANT KOERNER: I am not quite through, Your Honor.

Goering then usually would call the interested parties for conference, if it was a matter of a fundamental or essential decision, and would then decide, after hearing all the pros and cons, in his own fashion. In addition, all these men or the heads of the Divisions, could at any time approach Goering directly because they, as I have said, were directly subordinated to him. So they didn't have to go through me. It was usual for them to tell me if they were approaching Goering, or if I wasn't there, if they had other reason, they would tell me afterwards.

I have now finished, Your Honor.

JUDGE MAGUIRE: Well, where you had attempted to coordinate the two agencies or to find a solution for a dispute which existed between the two agencies unsuccessfully, and you then took it up with Goering, I take it you would make a report to him as to what the situation was, what was involved in the dispute, what efforts you had made to adjust it, and also make recommendations to him as to how it should be solved by his decree. Would that be correct?

DEFENDANT KOERNER: Yes, Your Honor, I can only confirm that.

JUDGE MAGUIRE: You may proceed.

DR. BERGMANN: Witness, would you submit such questions to Goering for decision when it was especially requested by the heads of Divisions or did they do that on their own?—to come back to the Judge's last question.

A. If no agreement could be reached, of course I would do it on my own accord—report to Goering, I mean. Sometimes, of course, the heads of the Divisions would also ask me, if they had difficulty in getting hold of Goering, to intervene myself, but usually the wishes of the heads of Divisions went directly to Goering.

Q. Witness, just now we had been talking about the right to give instructions, and you told us that you did not have the right to give instructions, is that correct?

A. Yes, it is.

Q. Now, Witness, in the Four Year Plan were orders also issued concerning labor allocation? So far, we have been talking of instructions. How about orders?

A. In general, no. I have already stated that the Reich Ministry of Labor was actually independent, and that in those matters

Syrup and Mansfeld, in their capacities as Division Chiefs, were appointed in connection with questions concerning the Four Year Plan. The Reich Minister of Labor, in general, issued his orders directly. Only in individual instances—for instance, when the requirements of the Four Year Plan were concerned—orders from the Labor Allocation were issued by the Plenipotentiary for the Four Year Plan. That, generally, would happen in such a way that Goering, through Syrup, would give orders for the drafting of a definite order; or the Reich Labor Ministry, through Syrup, would submit special suggestions for the issuance of a Four Year Plan Order.

Q. Witness, can you remember an example for orders of this kind?

A. Naturally there were many examples. In particular, in the sphere of wage policy. The fixing of wages was a very important means in the directing of labor.

Q. Witness, when orders of this kind were issued, in your capacity as State Secretary and Deputy of Goering in current affairs, could you sign those orders?

A. Not on my own authority. I have commented on my powers in general.* Goering's right to give instructions to all ministers, Supreme Reich agencies and all Party agencies, which he had received in the Fuehrer Order of 18 October 1936, was a right given to him personally. I must emphasize that again and again because everywhere the prosecution maintains the opposite. These powers, or this right, had been given by the Fuehrer only to Goering himself. In these most far-reaching powers, Goering had no deputy at all. So I mean by that neither I nor anybody else could deputize for Goering.

Q. Witness, was it quite impossible to deputize for Goering as you put it now?

A. To deputize for Goering in such a way that the deputy could act according to his own judgment or his own responsibility was absolutely impossible. Such deputizing would have been possible only if the Fuehrer, or perhaps even Goering, had appointed someone specifically to be Goering's deputy.

Q. You mean that real deputizing would have been possible only if Hitler had appointed someone Goering's deputy? Was that ever done either in connection with you or in connection with anybody else?

A. Yes, it happened at a later period when Goering had no power any more. At that time Goering's powers in this sphere of labor allocation were transferred to Sauckel and all powers in

* See the extracts from the testimony of defendant Koerner reproduced in Volume XII, section VI B.

the sphere of the armaments industry were transferred to Speer; so I repeat, in both cases all powers that Goering had.

Q. Does this not contradict what you claimed just now that Goering's powers were not transferable, if they were transferred to Sauckel or Speer? How do you explain that?

A. No, only apparently. In reality that was not a transfer. It was taking away these powers from Goering and granting them anew to Sauckel and to Speer. In both instances there were express orders from the Fuehrer to this effect. I will come to the Sauckel case later.

Q. Tell me, Witness, it is somewhat strange, isn't it? How is it that Goering didn't need a deputy? He might fall sick. Nobody is safe from leave or sickness.

A. I am now talking of the period up to 1942. Goering did not need a deputy because he took the standpoint that he was always on duty. His unusual vitality, I think, must be known to the Tribunal from the time of the IMT. If, for instance, he was on a fairly long official trip, he would be in constant telephone or radio touch with all his agencies. This close contact between Goering and his agencies went so far that he had a special information office and had his signals technicians with him all the time. They would at any time establish a connection, whether it was from the special train or from whatever place Goering happened to be in at the time—they would make contact with Berlin. The same thing applied even when he was on leave in his motorboat. Even there he always took a signals technician along who, either by radio or by telephone, would keep communications open with all of Goering's associates. Radio communications between whatever spot Goering happened to be in, in his special train or elsewhere, went through the communications of the Air Ministry and this Ministry in its turn was in touch with other agencies by teletype, so that all information from Goering went immediately into the hands of whatever person Goering wanted to get them.

Q. Witness, in our last discussion we started out from Goering's right to give instructions in the question of labor allocation and you had said that in actual fact Goering could not have a deputy; that the cases of Sauckel and Speer were different; and that you, at any rate, had no powers to deputize for him fully in all his functions, but you yourself signed some ordinances. At any rate the prosecution has submitted documents of this kind. What have you to say to that?

A. Yes, that's right. As the years went on, in a few specific individual cases, Goering gave me special powers to sign an ordinance. The prosecution has collected these ordinances I

signed in book 150 and submitted them in evidence. Insofar as I can survey the situation, these, I think, are all the ordinances I ever signed. It may be that there are just a few more which I have forgotten about by now, but since there were only a few matters concerned, of course, I could hardly have forgotten about it. At any rate, however, they can only amount to a very small number compared with the hundreds of ordinances issued by the Plenipotentiary of the Four Year Plan. That can only be a small proportion. I would like to ask you, too, to bear in mind that this covers a period of 9 years in which these few ordinances were signed by me. They were always special cases and there was never a case where, on my own initiative, I issued an ordinance. I couldn't do that because I didn't possess Goering's powers. What I did was simply to sign a Goering ordinance at his express orders.

Q. Very well, Witness. May I interpolate? The witness just mentioned book 150 which contains the ordinances he signed. May I point out that in book 125 there are also a few ordinances of this kind which have already been discussed in connection with the Main Trustee Office East[1] in Poland? Now, Witness, how is it that the ordinances you signed on behalf of Goering—Goering's ordinances which you signed at his orders, as you said —how did the contents of such ordinances come into being and, quite apart from that, generally speaking, what was the way of such ordinances up to the time they were signed by Goering?

A. The contents of such ordinances were always discussed in all detail between Goering and the Ministers concerned. Goering would then authorize me, when all conditions had been fulfilled, to sign only when, for some reason or other, he was prevented from signing himself. In general it was because Goering was on a trip; the Ministers were in a hurry; Goering could not send back the document from wherever he was quickly enough; and then he would let me know by teletype or telephone that I was to sign.

Q. Was there any scope whatsoever for your independent judgment?

A. There was no scope whatsoever for any independent judgment on my part. I would just follow Goering's instructions.

Q. Witness, I now come to an ordinance of a particular nature. This is Document NID–13880, Prosecution Exhibit 2188,[2] in book 150, page 55 of the English and of the German. That is an

[1] The Main Trustee Office East [Haupttreuhandstelle Ost] was an agency of the Reich government in Poland headed by Max Winkler. Its principal duties concerned the administration and disposition of property in occupied Poland to which the Reich seized title. For additional material on the Main Trustee Office East, see section X C, above.

[2] This order, signed by defendant Koerner, and dated 8 October 1941, is reproduced above in this section.

ordinance concerning labor allocation of the Jews. Before I come to the details of this ordinance I would like to say the following. Article 1 of this ordinance says in the German, "Jews allocated to labor"* and so on. In the English book this part on page 55 has been translated by "committed to labor" whereas, as the interpreter said just now, it should be "allocated" if I understood correctly.

PRESIDING JUDGE CHRISTIANSON: Is there any argument about that, Mr. Gantt? Does it make any difference whether that is "committed to labor" or "allocated to labor" as far as you are concerned?

DR. BERGMANN: Well, assigned to work or who are working means that the emphasis is on the fact that they are actually working and not on the fact that they have been forced in any way.

PRESIDING JUDGE CHRISTIANSON: Well, what is the correct translation? That's all we are interested in, and then we will draw our own conclusions, but our translation is "committed to labor."

DR. BERGMANN: Yes, that's the official text but "allocated to labor" would be more in accordance with the sense.

MR. GANTT: I have no objection to changing this to "allocated to labor" because it is the decision of the Court whether it is compulsory or not.

PRESIDING JUDGE CHRISTIANSON: We will change it to "allocated to labor." Go ahead.

DR. BERGMANN: Now, Witness, please tell us something about how this ordinance came into being? What can you tell us?

A. That is one of the few important ordinances I signed. The details of the preliminary history are unknown to me. I only know that Syrup one day reported to Goering. He told him that he had already discussed with the other Ministries the issuing of a decree concerning labor contracts for Jews. According to what Syrup said, in a number of provinces or Gaue there had been frequent and irregular excesses concerning the Jews, usually on the part of some Party agencies. That is, the Reich Labor Ministry, therefore, was no longer in a position to guarantee the uniform treatment under labor law of Jewish workers. Syrup now discussed this decree with Goering and later it came out.

Q. Witness, you said Syrup discussed this decree with Goering. Were you present at these negotiations between Syrup and Goering?

A. During the whole of the negotiations which preceded this decree, I was not present at all. Only after the conclusion of

* The German original reads, "Juden, die in Arbeit eingesetzt sind, stehen in einem Beschaeftigungsverhaeltnis eigener Art."

the negotiations did Syrup tell me of the problem and the state of affairs.

Q. Now, Witness can you tell us why you signed this decree, this ordinance for Goering?

A. If I signed this ordinance, the reason is again that Goering was absent from Berlin when the ordinance was submitted for signature by the Reich Labor Ministry. In this case I remember the details fairly accurately. Goering at this time was at his headquarters on the Eastern Front. Just at this time the big offensive against Moscow had started. Naturally this claimed Goering's work 100 percent. I remember this matter particularly well because 2 October is my birthday, and in 1941 I was spending my birthday hunting in Mecklenburg. My office informed me by telephone that Syrup had called up Goering. Goering had instructed Syrup to get in touch with me so that I might sign this ordinance, since he was too much occupied by the offensive to be able to deal with such matters. After returning to Berlin the next day I signed this ordinance in accordance with my instructions from Goering.

* * * * * * *

Q. Herr Koerner, you say you signed upon instructions. Can you tell us anything as to whether you approved of this ordinance you signed?

A. Whether I approved it or not played no part, as I said. I only had to put my name under it at Goering's orders. For the rest, both the ordinance and the implementation ordinance* served the purpose of limiting or stopping the excesses of Party agencies and guaranteeing the Jews, at least those working conditions which, in view of the increasing strength of the Party power at that time and the increasing radical developments, could still be achieved, and I think that purpose was achieved.

Q. Witness, had you known this implementation ordinance before you signed the ordinance?

A. Whether I knew the text I don't remember now. I think I can say for certain, I did not know it. The purpose of the implementation ordinance, however, I did know. This was, as I said before, the relative safeguarding of the Jews under labor law.

Q. Well, what were the actual contents of the implementation ordinance?

A. If you read through this ordinance you will see that there can be no mention at all of any inhumane treatment of the Jews.

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* The implementation ordinance, dated 31 October 1941, was introduced in evidence as part of Document NID-13880, Prosecution Exhibit 2188, but was not included in the partial translation of this document reproduced above in this section.

In the main they were denied social rights which, in Germany, had only been introduced in the last few years after 1933.

Q. And of what does the diminishing of the right of the Jews consist according to this implementation decree?

A. The diminishing of the rights of the Jews, according to the implementation ordinance, in the main consists of taking away from them certain wage increases; that is, on holidays, days when they did not work, they did not receive any wages, and they only received a smaller percentage of the unemployment payment, as I said. These were social improvements introduced in Germany only in the last years after 1933 and for a large part they still do not exist in foreign countries now. I can therefore not imagine that to withdraw these social privileges in this specific instance can be regarded as being inhuman. It was, of course, regrettable, but the general state of affairs created by the ordinance was still infinitely better than what the local arbitrary actions of the Party agencies were calling up in the way of abuses.

JUDGE MAGUIRE: What were these other abuses that you think of and knew of at the time?

DEFENDANT KOERNER: I mentioned, Your Honor, in general, the excesses of the Party agencies outside in the provinces which simply could not be controlled. Order had to be created here so that the regulation of labor for Jews was safeguarded in such a way as the Reich Minister of Labor wished.

JUDGE MAGUIRE: Witness, you are still not answering my question. Perhaps I didn't make it clear to you. This ordinance is not one that would indicate a desire to be particularly kind toward the Jews and I wondered what were the specific things that were being done out in the provinces that made this ordinance a protection and of benefit. What were they suffering from? What were they doing to the Jews out in the provinces?

DEFENDANT KOERNER: The varying treatment in the provinces, there were Gaue where the Gauleiter or Party agencies of their own accord simply made provisions for the employment of Jews which could not be approved in any way. Syrup's intention was to create order and I think that in general that was achieved. Naturally as a result of the implementation ordinance of the Reich Minister of Labor, certain advantages granted to every German worker were withdrawn from the Jews.

JUDGE MAGUIRE: Well, now you leave me in just exactly the same state of ignorance as I was when I asked the questions. Now either you know or do not know what these operations, or these bad practices were, that were committed out in the provinces. We'd like to know so that we can come to some conclusion as to whether this was a benefit to the Jews or whether it

was a detriment to them. We can't do that unless we know what was actually happening in the provinces. If you know, please tell us; if you don't know, well, we'll pass on to another subject.

DEFENDANT KOERNER: Your Honor, of course, I'm not informed on the actual details that happened in the provinces, as I did not read the Gestapo reports and other reports which were available to Syrup. I was only informed in broad outline at that time, by Syrup, that the situation must be regulated so that excesses of all sorts and kinds could be stopped as they occurred. Unfortunately I can't say more than that.

DR. BERGMANN: Herr Koerner, in Section II of this implementation ordinance there is mention of the fact that a Jew has to accept the employment offered him by the employment agency. Now, in view of the questions just asked by Judge Maguire, may I ask was that an improvement or deterioration compared with the previous state of affairs?

A. This regulation existed all over the Reich since 1919, for every German. This is nothing more than a reiteration of the existing legislative situation.

Q. Yes, but why was it emphasized so much again if it was only a reiteration of the existing state?

A. Of course, I can't say; I really don't know what the Reich Minister of Labor had in mind; the provision concerning labor conscription was absolutely pointless. In my opinion the Minister of Labor, by these words, wanted to calm down the Party agencies.

* * * * * * *

Q. Now, Witness, at a number of meetings there was some talk about the assignment of Polish agricultural workers. I am showing you document book 119. First of all, please look at the transcript of the first meeting of the General Council, Document NI–7474, Prosecution Exhibit 582,* on page 72 of the English. You'll find it on page 141 of the German, on page 72 of the English. On page 144 of the German there is mention of the fact that one and one-half million Poles are to "roll" into the shortage areas, as it says there. Will you please comment on that?

A. At this conference a paper was read by State Secretary Backe, who, as you know, was head of the Division for Food in the Four Year Plan; and he was also State Secretary in the Reich Ministry of Food.

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* This is an erroneous reference to the document and exhibit number. The document referred to is Document NG–1162, Prosecution Exhibit 581, the pertinent extracts of which are reproduced above in this section. The reference is to statements of State Secretary Backe at the meeting of the General Council of the Four Year Plan on 20 December 1939.

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Q. Now, in the case of these one and one-half million Poles, What sort of people were they? Did you know whether they were to be conscripted or not?

A. No. With reference to the problem of Polish workers, I must first give an explanation. Poland had always had a surplus of labor which came to Germany each year. As far as I remember, there were years when up to one million Polish agricultural workers came to Germany. In Germany, as in Poland, that was a generally known problem. It was always an occasion for sharp political differences between the agricultural districts and the parties of the left. In former years the Polish agricultural workers on the farms had lived in special "cutters" barracks [Schnitterkasernen]. This term was coined long before 1914. And it is due to the fact that the Poles cut the corn at the harvest. The Polish workers even had been given a special name; they were called, in many areas, "Sachsengaenger," because very many of these Poles went to Saxony. That is the province of great agricultural importance for Germany. So many agricultural workers in Germany, as far back as I can remember, were Polish agricultural workers, which was absolutely an everyday matter.

Q. Witness, was it the same in 1939?

A. That year was the time of the not inconsiderable differences between Germany and Poland. It was rather different. Then, few Poles had come to Germany in view of the state of affairs.

Q. And after the Polish campaign?

A. After the Polish campaign there was great interest, on both sides, in having the old tradition continued; and it was the result of the break-down of the Polish economy that, in the first winter of 1939–40 countless people had become unemployed. We in Germany, therefore, could expect a considerable influx of Polish workers. For that reason alone nobody thought of such a thing as labor conscription then; and nobody talked of it at all. On the other hand, in Germany, as a result of the large-scale drafting for the Wehrmacht, there was an increased labor shortage.

Q. Yes, but, Witness, at this meeting was not an application made, perhaps, to you or to Goering, in view of the labor shortage, to see to the collecting of the necessary Polish labor and give suitable instructions, because it says that they must "roll." How is that to be understood?

A. No application was made at all in the meeting, and I don't know of any decision to be obtained from Goering at all. Backe was just reading a paper in order to inform the members of the General Council about his agricultural and food tasks, and on this

occasion, naturally he came to talk of the difficult labor situation in the country. He did not demand any orders, because that would be contained in these transcripts from page 141. Even less were any orders given, because only Goering could give such orders.

(Recess)

Q. Mr. Koerner, you were speaking of the action on the part of Backe to take Polish agricultural workers to Germany. In this connection you mentioned the first sitting of the General Council. I turn now to the fifth sitting of the General Council in the same document book, namely, 119. This is Document NI–7474, Prosecution Exhibit 582,* document book page 87. Apparently in this meeting, State Secretary Syrup reads a paper dealing with the provision of workers for German industry. On page 88 of the English we find the following sentence under the letter "*b*. Agriculture": "It is planned to fetch 780,000 Polish agricultural workers, over 50,000 to 60,000 of whom are to come from the new Reich Gaue. There are already 57,000 Polish agricultural workers in Germany. (Apart from these 30,000 Italians, 25,000 Slovaks, and 12,000 Hungarians are expected.)" Then it is finally said, regarding the Poles: "The bad transportation conditions are making it more difficult to get the Polish program started. Therefore, the first transports must of necessity be recruited from the cities; this has been started." Mr. Koerner, please state what you can about the Italians, Slovaks, and Hungarians.

A. Let me point out first that this is a meeting of January 1940. At that time there was no Italian, nor Slovak, nor Hungarian territory occupied by Germany. That could be looked upon as proof that it is impossible for Syrup to have been thinking of compulsory measures by way of acquiring this manpower. The manpower situation in the Balkans and in Italy was similar to that in Poland. There was always a surplus of manpower who found work in Germany.

Q. Herr Koerner, what about the Polish workers?

A. There was no thought of compulsory measures to recruit Poles either. That can be seen very clearly from the position Syrup shortly thereafter adopted regarding Backe's suggestion—namely, the suggestion that compulsory measures be used to recruit workers, and which he represented to Goering. I shall return to that later. This case is perfectly clear.

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* Reproduced in part above in this section.

Q. Now Witness, we come to the sixth meeting [of the General Council of the Four Year Plan]. The minutes of this meeting are not put in evidence, but the memorandum of State Secretary Backe is here, concerning a report that he has given in this sixth meeting. This is Document NG–1408, Prosecution Exhibit 977,[1] on page 111 of the document book. Witness, please turn to that document. Witness, may I ask you to say what you wish about this memorandum of Backe's? Can you recall that Backe read this paper?

A. Whether Backe read that paper in the way corresponding to his drafting, I cannot of course say today, but it is not entirely impossible because I know today something of this subject matter of which there is discussion in this document.

Q. Now, Witness, let us assume that the paper has been read. Here the question of Polish agricultural workers is under discussion and on page 113 we find the following under *b*, "If, as it appears likely, there will be, in the Government General, difficulties at the labor recruiting offices in the recruiting of civilian Poles, it will be unavoidable to give the occupation army a directive to cause by force a necessary number of workers to be transported to Germany." Witness, what do you have to say about that?

A. As far as I recall, this was the first time that Backe made the suggestion, namely, in the spring of 1941 to have Polish agricultural workers brought to Germany. If, in Backe's paper, he speaks of compulsory measures he apparently is referring to a labor conscription of the same sort as already existed in Germany. In Poland, the Governor General Frank, who, however, was not subordinate to the Four Year Plan, passed a similar directive for Poland of the sort similar to the kind that we already had in Germany. The same labor conscription.

JUDGE MAGUIRE: According to the English book this was not in the spring of 1941, but was in February 1940. Is there an error in translation or what is the fact?

DR. BERGMANN: 1941, Your Honor, the translator's mistake.[2]

PRESIDING JUDGE CHRISTIANSON: Go ahead.

DR. BERGMANN: Witness, the decree that you have just mentioned. Your Honors, that is in my document book 4–A, under Koerner Defense Exhibit 230,[3] the introduction of labor conscription in Poland.

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[1] Reproduced earlier in this section.

[2] Counsel's statement is erroneous. The date mentioned by Judge Maguire, February 1940, refers to the date on which Backe dictated his remarks, 3 February 1940. These remarks, however, were not read until the sixth meeting of the General Council on 14 February 1940. Later, on 7 March 1940, Backe's remarks, as dictated on 3 February 1940, were circulated by the Office of the Four Year Plan.

[3] Document Koerner 67, Koerner Defense Exhibit 230, reproduced above in this section.

PRESIDING JUDGE CHRISTIANSON: Book 4, did you say?

DR. BERGMANN: 4–A, Your Honor. Witness, do you know anything about the sphere of competency of this decree?

A. This order, decree, applied only to Poland; that is, the Government General. Now Backe expressed his opinion that the possibility should be created of introducing labor conscription for Poles in Germany.

Q. Could the General Council, or could you, as chairman of it, order such measures?

A. No, I don't know who was competent for that. At any rate, under no circumstances was anyone in the General Council or anyone else from the Four Year Plan competent. So far as I can judge the legal aspect of the matter, such a decree could only have been promulgated by the Governor General, Frank. In the meantime, I have ascertained that such a decree was passed later in the year 1942.

Q. Witness, if I understood you correctly, Backe simply wanted to express his opinion in this General Council meeting.

A. That is entirely correct. Backe presented ideas and plans which the General Council should listen to and discuss. Neither I nor any other members of the General Council was in a position to form any decisions. The situation would have been exactly the same if Backe, for instance, had felt it necessary to change the food rations of the German population. In such a case, of course, he would assure himself of the opinions of the other members of the General Council and would have heard them expressed, but the Ministry was never bound by the position adopted by the members of the General Council.

Q. Was the problem discussed in the General Council at all?

A. I don't know for sure any more whether there was a discussion in General Council or outside the General Council. At any rate, I do know that Syrup immediately and energetically opposed Backe's views. That settled the matter so far as the Four Year Plan and the Reich Ministry of Labor was concerned.

Q. Now, Witness, what came of these proposals of Backe's? What did Syrup do?

A. Well, it just happens that I know about that matter very well. Syrup immediately turned to Goering when he found that Backe had, on his own initiative, gone to Poland to persuade the Governor General to recruit workers and send them to Germany. Syrup's protest was extraordinarily sharp because Syrup was literally beside himself. He told Goering, for example, at that time, that Backe in acting that way was disrupting his whole system of labor recruitment, not only in Poland but everywhere else.

Goering adopted Syrup's point of view and gave Backe instructions accordingly.

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Q. Your Honors, I now come to that period following Sauckel's appointment, the period after Koerner's entrance into the Central Planing Board. To fix the date, a Hitler decree of 21 March 1942, appointed Sauckel as Plenipotentiary General for the Allocation of Labor. This decree is to be found in document book 150, Document 1666–PS, Prosecution Exhibit 2189,* on page 60. Witness, apparently the prosecution is attempting to bring you into connection with Sauckel's measures, and as we know, Sauckel was condemned to death by the IMT for what he did. The prosecution regards all Sauckel's activities as the setting-up and carrying out of programs for the enslavement and deportation of enemy civilians. Before I discuss Sauckel's activities, I should like, Mr. Koerner, first to discuss with you the relations that Sauckel bore to the Four Year Plan in general, and to you in particular. I begin now with the first question. What position did Sauckel have in the Four Year Plan?

A. Sauckel had no position at all in the Four Year Plan. Even before Sauckel's time, the Four Year Plan had had a number of Plenipotentiaries General. The Plenipotentiary General for Special Questions of Chemistry Production——

Q. Just a moment. I can't understand you.

A. I shall repeat my answer. Sauckel actually had no position in the Four Year Plan. Even before Sauckel, to be sure, there were a number of Plenipotentiaries General, or deputies, in the Four Year Plan. For example, the Plenipotentiary General for Special Questions Chemical Production, Professor Krauch; the Plenipotentiary General for the Mining of Oil, Professor Benz—all these gentlemen were directly subordinate to Goering and were always appointed by him personally. Sauckel's position cannot in any way be regarded as analogous to the position of these gentlemen. Sauckel was appointed by the Fuehrer personally, the Plenipotentiary General for the Allocation of Labor, without Goering's taking part in this appointment in any way. Therefore, from the very beginning on, he was completely independent. Formally, however, he was still with the Four Year Plan, but that was done only in order to cover toward the outside world that Goering had no powers here.

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Q. Now, Witness, you testified before that, from the beginning on, Sauckel was completely independent and was only part of the

* Document 1666–PS was also in evidence as Prosecution Exhibit 2605, reproduced above in this section.

Four Year Plan formally. Now, on the basis of this decree that I just quoted, one might well assume that this was not only a formal, but also an actual, subordination of Sauckel under Goering. What can you say regarding that?

A. The question is completely answered by the Enabling Decree that Goering promulgated on 27 March 1942.

DR. BERGMANN: Your Honors, this decree is also included in Document Koerner 131, Koerner Defense Exhibit 360 in Koerner document book 6, that is, Goering's decree of 27 March 1942.* Witness, can you say from memory to what extent this decree made Goering's powers over Sauckel different from the way they were before?

A. Yes, here Goering, for the very first time, transferred to another person the power to issue instructions which Hitler had conferred upon him. It says here, and I quote, under number 4: "For the carrying out of his tasks, the Plenipotentiary General has the powers that the Fuehrer has conferred upon me." In reality, however, this was not a passing on of this right to give instructions, but this is an actual assignment of this right to give instructions to Sauckel and the removal of it from Goering.

Q. Witness, did I understand you to say that Goering's Plenipotentiary powers were limited at the expense of those powers that Sauckel received by himself, this limitation was carried out by himself; is that correct?

A. Yes.

Q. Witness, Goering writes the following at the conclusion of this decree: "In the case of ordinances and instructions of fundamental importance, a report is to be submitted to me in advance." According to this it appears that Goering was, and remained, Sauckel's superior. What do you have to say to that?

A. That, too, was only formal, in order to preserve Goering's reputation in the outside world.

Q. Did Sauckel make use of this instruction from Goering? Did he submit matters to Goering?

A. I only know that in the very first period Sauckel showed us suggestions to Goering. In a later period, Sauckel acted entirely independently. That came about inevitably because since the middle of 1942 Hitler continually concerned himself personally with the question of labor allocation and with the question of labor conscription.

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* This Goering decree was also introduced as a part of Document 1666-PS, Prosecution Exhibit 2605, and is reproduced above in this section.

DR. KOCH (counsel for defendant Koerner): Now I should like to put Document NG–1952 to you from document book 83, Prosecution Exhibit 2609,* page 42. It will be put to you shortly.

A. I am familiar with this document. This is a draft of the law on the labor conditions for Eastern workers.

Q. Good. Sauckel was independent. Why, then, did he turn to Goering instead of ordering it himself?

A. If Sauckel turned to Goering in submitting the draft of the law he did so, not purely because of Goering's position as Plenipotentiary for the Four Year Plan, but also because of his position as Chairman of the Ministerial Council for the Defense of the Reich. This Ministerial Council for the Defense of the Reich was brought into the picture by me, via Lammers. In addition, this is a typical example of current business, such as was characteristic of my sphere of activities.

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Q. Now, please tell the Tribunal the practical significance of the Central Planning Board?

A. When Speer was appointed Armaments Minister, this was connected with a considerable increase in armaments production. Such an increase automatically included a substantial increase in demands of matériel and raw materials. The Central Planning Board received the competency which permitted Speer to have complete discretion over raw materials as he desired. Practically speaking, the Central Planning Board served as an office to collect information through Speer on a very broad basis, and as a means through which all the agencies could express their views.

Q. And what was the conduct of such meetings of the Central Planning Board?

A. Very informal. In general there was always a large group of people present from the most heterogeneous fields: soldiers, representatives of officials, representatives of Ministries, experts, technicians, etc. A lot of talking went on back and forth in these meetings; the minutes of the meetings show that very clearly. At the end, when every point had been sufficiently discussed, Speer then stated in general what he wished—and that settled the matter.

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DR. BERGMANN: Witness, in order to terminate our discussion concerning the discussions of the Central Planning Board, I would like to submit a question to you concerning a document which has played a major part, over and over again, in the

* Reproduced in part, above in this section.

Nuernberg Trials. I am referring to Sauckel's remark, reading that only 200,000 alien workers had come voluntarily.

DR. KOCH: This is the 54th Session of the Central Planning Board on 1 March 1944. The document book is 120, meetings, I to Q, Your Honors, and is to be found on page 177[1] of the English. In this case the prosecution has [also] referred to the IMT judgment, pursuing the same trend of thought in doing so, and they referred to Document NO–1179,[2] in the same document book, "Minutes," to be found on page 137 of the English document book—"Meetings—120."

Mr. Koerner, what do you have to say in answer to this remark of Sauckel that "Out of the 5,000,000 to 6,000,000 foreign workers who arrived in Germany," only 200,000 came voluntarily to Germany?

A. As far as this transcript is concerned—and this transcript has been built up very heavily here—I was interrogated, needless to say, on many occasions. Over and over again I pointed out that most definitely this can only represent a typographical mistake in the transcript, that is, Sauckel's statement that only 200,000 voluntary workers supposedly came to Germany at that time. I am sure that this is either a slip of the tongue on the part of Sauckel, or the reporter made a wrong note, omitting one zero and what was actually said was 2,000,000. This figure would also be in conformity with actual facts. That is the only plausible reason that I have to give. If this were not to be a typographical mistake, then the statement by Sauckel would be absolutely erroneous and the only explanation you could give for such a statement having been made is that Sauckel, who was constantly attacked by all requirement bearers [Bedarfstraeger][3] was trying to show by this statement how efficient he was. Because after all, you cannot deny that Sauckel had a certain ambition. Therefore, in that case, that is the only evaluation you could give of this statement.

Q. Well, of course you are speaking in the way of argumentation substantially, Witness. You are rendering interpretations which have something in their favor, surely enough; but, after all, it would be much better if you would be more specific in

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[1] Document R–124–0, Prosecution Exhibit 2288, reproduced in part above in this section, contains extracts from the minutes of the 54th meeting of the Central Planning Board and includes Sauckel's remark referred to by defense counsel.

[2] This document (not reproduced herein) contains excerpts from that section of the IMT judgment entitled "Slave Labor Policy," and quotes, in part, the Sauckel-Kehrl discussion as found in Document R–124–0.

[3] The German word "Bedarfstraeger" usually is translated as "allocatees"; "requirement bearers" is the literal translation. The term encompassed those organizations or agencies making or "bearing" demands for manpower. A more detailed discussion of this term occurred during the testimony of defendant Kehrl and is included among extracts from testimony reproduced below in section C 3.

your testimony and give us more concrete details as to your reasons for considering this figure to be wrong.

A. On the basis of the many interrogations that have taken place, needless to say I objected to the matter to such an extent as was within my power. There is a very unambiguous statistical figure available by which it is shown that the statement according to which only 200,000 workers came voluntarily to Germany, was absolutely wrong; because before Sauckel took up office and before the Fuehrer decree of the middle of 1942 concerning the question of forced labor ever came into being—before that took place, it was a fact that already in 1941, 1.6 million voluntary workers had come to Germany from abroad—1.6 million.

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2. TESTIMONY OF DEFENDANT LAMMERS

EXTRACTS FROM THE TESTIMONY OF DEFENDANT LAMMERS[1]

DIRECT EXAMINATION

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DR. SEIDL (counsel for defendant Lammers): I now pass to count seven of the indictment and to the documents submitted by the prosecution under this count which are in books 83 and 84.

Witness, books 83 and 84 deal with documents connected with labor allocation. The first is NG–1203, Prosecution Exhibit 2601,[2] on page 1 of book 83.

JUDGE MAGUIRE, Presiding: For the record it is Document NG–1203.

DR. SEIDL: Yes, 1203.

JUDGE MAGUIRE, Presiding: You were misquoting it on the first occasion.

DR. SEIDL: This document of the Reich Chancellery dated 17 November 1939 concerns a decree of the Plenipotentiary of the Four Year Plan and deals with the safeguarding of agricultural products. Is this document complete?

A. No. It is once again one of the usual documents which start "With reference to so and so," and the Goering decree preceding it is missing.

Q. Can you remember what this Goering decree was about?

A. As far as I can now tell from the document, it was concerned with the safeguarding of the labor allocation of PW's and

[1] Further extracts from the testimony of defendant Lammers are reproduced in sections VI D, VI E, VI F, VI H, volume XII, this series and IX B 3 herein.

[2] Reproduced above in this section.

the request to the Reich Minister of Labor to make Polish civilian workers, in particular Polish girls, available to agriculture.

Q. At that time did you consider that it was not permissible to employ PW's in agriculture?

A. Certainly not. The employment of PW's in agriculture is not contrary to the Hague Land Warfare Convention as long as they remain in the charge of the Wehrmacht and the other regulations are adhered to.

Q. Witness, according to your opinion at that time how were Polish civilian workers to be obtained for agriculture work in Germany?

A. The only supposition is that Polish workers were to be recruited and were to come voluntarily to the Reich. The document is dated 1939 and it doesn't show anything to the contrary.

Q. I now pass on to Document NG–1162, Prosecution Exhibit 581,[1] book 83, page 3 of the English and the German. This is a meeting of the General Council of the Four Year Plan, dated 20 December 1939. I am having the photostat of this document passed to you. Did you know the agenda or the minutes of this conference at any time before the collapse?

A. The photostat shows that the officials concerned relegated both the agenda and the minutes of the meeting to the files without submitting them to me first.

Q. This morning you said that the representative of the Reich Chancellery was Reich Cabinet Councillor Willuhn and that he was only there to listen. So we needn't go into it any further. And I now pass to Document NG–1408, Prosecution Exhibit 2602,[2] on page 9 of the English document book. That is a Backe report. Backe was a State Secretary in the Ministry for Food and Agriculture. This is a report of his lecture concerning the food economy at the meeting of the General Council for the Four Year Plan on 14 February 1940. Do you know whether any motion was passed on the basis of this speech to bring the requisite number of workers to Germany by force?

A. There is nothing in the report to say that such a thing was decided. Backe only made suggestions and the General Council couldn't decide anything anyway.

Q. Witness, in the English translation the word "recruitment" is repeatedly used. I would like to ask you whether, in view of the contents of the document, this translation is correct. Was this recruitment or was there talk of forcible drafting of workers?

[1] Document NG–1162, Prosecution Exhibit 581, reproduced in part above in this section.

[2] This document was first introduced in evidence as Prosecution Exhibit 977 in the presentation of evidence concerning the General Council of the Four Year Plan. Later, by inadvertence, it was again introduced as Prosecution Exhibit 2602 in the presentation of evidence concerning defendant Lammers. Extracts from this document are reproduced above in this section.

A. According to the minutes Backe only talked of recruiting Polish workers and not of forcible drafting.

JUDGE MAGUIRE, Presiding: Witness, on page 5 of the original, paragraph *b*, where the translation is as follows: "If, as it appears likely, there will be in the Government General difficulties at the labor recruiting offices in the recruiting of civilian Poles, it will be unavoidable to give the occupation army authority and directive to cause by force the necessary number of workers to be transported to Germany." That is part of this lecture. Do you find that, page 5 of the original of Backe's lecture?

DEFENDANT LAMMERS: Just a moment. May I find it?

DR. SEIDL: It is page 19 of the German text, section B. Have you found it?

A. Yes. Just let me take a quick look at it. Yes, here it says that difficulties in recruiting were considerable. In view of the weather it is unlikely that it will be possible to raise the requisite number. So in the case of the spring cultivation we will have to improvise by using the Wehrmacht and the Party. If, in the course of the summer, Poles should come for cultivating and harvesting work, greater difficulties could still be avoided.

I can't say anything here about the Wehrmacht, I mean when it talks about improvising here, perhaps the idea is that they themselves ought to provide manpower.

Q. Witness, I don't think you have got the right place in the document. I am having my document book passed up to you.

A. Yes, it says here what His Honor said. The suggestion of Backe's. I don't see anything here to say that it was adopted.

Q. Witness, I will now have the photostat of this document shown to you. Are these documents of the Reich Chancellery at all? It is Document NG–1408.

A. Yes, I have got it. These are notations which quite undoubtedly do not come from the Reich Chancellery. They are from the Foreign Office. That is shown by a handwritten note which says, "To Ambassador Ritter," and the rest is illegible. So this piece does not come from the Reich Chancellery. Although Herr Willuhn is listed as my representative on the distribution list I don't know whether I saw this report. Even if Willuhn was present I can't remember that he reported to me in detail.

Q. I think that's enough about this document. I now come to Document NG–1190, Prosecution Exhibit 2603.* It is on page 14 of the English book 83. That is a report from the Minister of Labor concerning labor allocation, dated 21 March 1940. Why did the Reich Minister of Labor send you this report at all?

* Reproduced above in this section.

A. He says that at the end. He asks me to report to the Fuehrer.

Q. Did the report concern prisoners who were being used for forced labor?

A. It talks of increasing agricultural labor allocation by making use of Polish workers and it also mentions using the Polish workers in the mines, just by way of comparison; but even now when looking through this document I have been unable to find anything concerning forced labor imposed on PW's. It only talks about recruiting free labor.

Q. Then we can leave this document too and I pass to Document NG–1179, Prosecution Exhibit 2604* on page 20 of the English text. That is a letter from you to Bormann, dated 31 October 1941. That concerns the employment of foreigners. Is this document complete?

A. Unfortunately, Bormann's letter to me is missing, which I am answering here.

Q. What was the reason for your letter?

A. Someone, I don't know who, had requested Bormann to take away the field of employment of foreign labor from the Reich Minister of Labor and to put it under the responsibility of a special plenipotentiary. At that time Bormann was disinclined to adopt this plan. I agree with him for the reasons indicated in the letter. I, too, was against the idea.

Q. In that case why do you say that the question of labor allocation plays a not insignificant part within the Four Year Plan?

A. Because this question also came under the competency of the Four Year Plan and so I allude to it in passing.

Q. On page 22 of the English you thank Bormann. What special reason did you have for that?

A. This penultimate paragraph of my letter only shows how hard I was trying to see to it that no Fuehrer decision should be issued until after all Ministers concerned had had a chance to comment. If, as I assume, Bormann in his letter to me had promised to support me in these constant efforts, then of course it was only indicated that I should thank him, and probably I thanked him especially because I was always afraid that parts of his area of jurisdiction might be taken away from the Reich Minister of Labor [Franz Seldte] without his even being asked.

Q. Is it correct, as the prosecution is apparently trying to contend, that you and Bormann were always in agreement before you ever dropped a suggestion or submitted it to the Fuehrer?

A. Well, I think it differed considerably according to the situation. There were cases such as this where Bormann and I agreed.

* Reproduced earlier in this section.

There were other cases, and they were the more frequent, where such agreement did not exist. Particularly listening to the Ministers concerned, which is something to which I attached great importance, was frequently a subject for differences of opinion between us because Bormann probably did not like to consult certain Ministers whereas I insisted on it, and I could hardly express this more clearly than by, as here again, pushing into the foreground the fact that all those concerned should be listened to in order to avoid that matters should be brought to the Fuehrer's attention which were not yet ripe for decision and where all those concerned had not yet had a chance to comment.

Q. That is enough for the present. Now, how did the matter continue?

A. First of all, nothing was done; but later—about half a year later—after Bormann had meanwhile changed his original view which coincided with mine, the Reich Minister of Labor was bypassed to a considerable extent. At any rate, he was not listened to sufficiently and by the Fuehrer decree of 31 March 1942, Sauckel was appointed Plenipotentiary General for Labor Allocation and so the entire field of labor allocation was taken away from the Reich Minister of Labor.

Q. Your answer leads me to the next document with which we have to deal. That is Document 1666–PS, Prosecution Exhibit 2605.* It is on page 24 of the English. This document contains the Fuehrer decree of 21 March 1942 concerning the Plenipotentiary General for Labor Allocation. How did this decree come into being?

A. It was in accordance with the Fuehrer's express desire and in accordance with it I edited it and then it was cosigned by the chief of the OKW and myself. As in the case of all these cosignatures, I take the standpoint that in this organizational matter I had no responsibility in my capacity as chief of the Reich Chancellery, except to see that the document incorporated the proper formulation. I had no influence on the OKW.

Q. Surely, you mean GBA, Plenipotentiary General for Labor Allocation, not the OKW?

A. Yes, quite right—GBA, Plenipotentiary General for Labor Allocation.

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Q. Witness, at that time did you consider the decree of 21 March 1942 to be subject to misgivings or even illegal?

A. In my opinion, it was perfectly a matter of course that the State should safeguard labor allocation and manpower, especially

* Reproduced earlier in this section.

armaments. Unified direction of labor allocation was something very obvious and this direction was to affect labor as a whole. Otherwise the whole business would have been senseless and then the decree says expressly all labor, including recruited foreigners and PW's. I can remember for certain that the very insertion of this word "recruited" played a very large part in the editing of this decree. It was suggested by one of the gentlemen in the Reich Chancellery and I approved it. As far as the contents of the decree go, there was no doubt for me whatsoever that the work of foreigners was to be based only on volunteers and that is why I had no misgivings whatsoever about the contents nor did I consider them illegal.

Q. According to the contents of this decree, the Plenipotentiary General for Labor Allocation was to be responsible for the labor of PW's, too, as you said yourself. Didn't you have any misgivings that this extension of the decree to cover PW's might be in contradiction to the Hague Land Warfare Convention or the 1929 Geneva Convention concerning the treatment of PW's?

A. I had no reason to assume that because the employment of PW's was not forbidden but it is only not permitted in the case of certain categories; that is, it is not permitted for officers and, in the case of NCO's, it is permitted only with their consent. In other cases, it is permitted but all that was not my responsibility to check. That was, in the first place, a matter of the OKW which was responsible for PW's and had to know how far it was allowed to go in releasing PW's for labor allocation; and in the second place it was a matter for the Plenipotentiary General for Labor Allocation not to infringe these provisions. If he wanted to find out about international law, he could have requested expert opinion from the Foreign Office.

DR. SEIDL: Your Honor, I have before me the English book 83 and I see that on page 24 in line 4 the word "angeworben" is translated "recruited". I have misgivings as to whether this translation is correct and, apparently the translator also had doubts because he put the German words in brackets. In our opinion—and this corresponds to the witness's testimony—"anwerben" means that the workers came voluntarily and I fear that the English translation might give the illusion that these workers were obtained by means of force or were supposed to come.

JUDGE MAGUIRE, Presiding: Have the witness testify as to what he believes or understands the word "anwerben" to mean—if that is what it is—"anwerben". Yes.

Q. Witness, the Tribunal asks you to explain what the German word "anwerben" means. Perhaps you would tell us how you understood this word.

JUDGE MAGUIRE, Presiding: The word either has a definite meaning in the German or it doesn't. We are not interested in anything except what the word means in German, not what he understood it to mean. You couldn't use the word "cat" and then have the witness say he thought it means "dog". What is the German definition for it?

DR. SEIDL: The word has a definite meaning; there is no doubt about that.

Q. Now, please tell what the word "anwerben" means.

A. It means that I enter into a contractual obligation with the worker I want to hire, usually by way of a signed slip. Under certain circumstances under German law a verbal agreement is correct with the agreement of the person who is recruited, of course. That is what it means.

JUDGE MAGUIRE, Presiding: Now, if the prosecution will look into this matter—we need a report at this time.

DR. SEIDL: The prosecution implies and suggests "hire." I don't know that word at all.

JUDGE POWERS: Counsel, are you worried for fear the word "recruitment" means "force" to us?

DR. SEIDL: I am actually of the opinion that this word is of great importance for the proper interpretation of the decree and it makes a great deal of difference whether the decree gives power to hire workers or whether it gives power to obtain workers by duress and bring them to Germany.

JUDGE MAGUIRE, Presiding: I don't know how the others feel but recruitment to me doesn't mean forceful procurement of labor. I think we are agreed on that. Recruitment means the obtaining of labor. When we say forced recruitment then we mean an obtaining of labor by means of force but the ordinary word "recruitment" doesn't carry with it the connotation of force.

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Q. Witness, the Plenipotentiary General Sauckel addressed a Central Planning Board meeting on 1 March 1944, and he admitted that the majority of foreign workers had not come to Germany, voluntarily. Reference was made to this Central Planning Board meeting in the IMT judgment,* and that is why I am addressing this question to you. Witness, what have you to say about this? Did you know anything about it?

A. I never attended any Central Planning Board meeting. I did not hear this remark at the time it was made. I only

* Trial of the Major War Criminals, op. cit., volume I, page 244.

learned of it from the IMT judgment. I always took voluntariness for granted. Later on I found out that in certain countries labor conscription had been introduced by special legislation. For instance, in France it was introduced by the French Government and there, of course, there was a duty to work which could be enforced, but this was a duty under law. Every state makes use of certain forcible means to enforce legal duties.

Q. Witness, the decree of 21 March 1942, also covered the Protectorate and the Government General. When cosigning this decree, didn't you have any misgivings in that respect?

A. No. At that time it was only a matter of recruitment and the recruitment of foreigners is not contrary to international law. Anyway, it also takes place abroad.

Q. As a result of Sauckel's power, was he to be able to give orders concerning all available labor?

A. The decree says nothing about his power to give orders. He was only to control labor allocation in a centralized manner. A power to give orders, in my opinion, is a misleading expression—especially in connection with PW's—because they were still under the jurisdiction of the Wehrmacht, even if they were put to work.

Q. To whom was the Plenipotentiary General for Labor Allocation subordinated, and what was your own official relationship to him?

A. First, the GBA was subordinated to the Plenipotentiary for the Four Year Plan, and he had to fulfill his tasks within the framework of the Four Year Plan. His next superior was the Fuehrer. I had no right to give any instructions to the GBA, to supervise him, or to give him any guiding directives. That was something that only the Fuehrer and possibly the Plenipotentiary for the Four Year Plan could do.

Q. Witness, quite briefly, of what kind were your connections with the GBA, in your capacity as Chief of the Reich Chancellery?

A. Occasionally I got reports from him which I passed on to the Fuehrer. I also got copies of those reports that he himself had already sent to the Fuehrer. In the second place, occasionally I had to pass Fuehrer orders on to him. And, in the third place, I was chairman of a few meetings—at the most I think two or three—where labor allocation questions were discussed; and finally, I attended one meeting where the Fuehrer himself presided and gave instructions concerning labor allocation for 1944.

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958402—52——71

3. TESTIMONY OF DEFENDANT KEHRL

EXTRACTS FROM THE TESTIMONY OF DEFENDANT KEHRL*

DIRECT EXAMINATION

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DR. GRUBE (counsel for defendant Kehrl): Witness, when was the Central Planning Board founded?

A. In May 1942.

Q. And when was the Planning Office founded?

A. By decree of 16 September 1943, effective as of 1 November 1943.

Q. And when did the Planning Office take up its activity?

A. As of 1 November 1943.

Q. When did you become Chief of the Planning Office and the Raw Material Office?

A. The very same day.

Q. Let me interpolate an intermediary question. What work was handled by the Raw Material Office?

A. The Raw Material Office was a very small office. Including clerical staff and charwomen and telephone help—including everything—it employed a hundred people. It rendered assistance to that branch of industry which produced raw materials, with the exception of the iron producing industry which lay with the Armament Delivery Office, and with the exception of the chemical industry which lay in the hands of the Plenipotentiary General for Chemistry.

Q. Up to the time when you went over into the Speer Ministry on 1 November 1943 you belonged to the Reich Ministry of Economics?

A. Yes.

Q. While you belonged to the Reich Ministry of Economy did you exercise any functions in behalf of the Central Planning Board?

A. No, unless I received a special assignment at a conference of the Central Planning Board. This did occur in individual rare cases and can be seen from the stenographic records.

Q. To what extent, while you belonged to the Reich Ministry of Economy, did you have any reason to be present at meetings of the Central Planning Board?

A. At that time I was chief of the Main Division II in the Reich Ministry of Economics, and raw material distribution was subordinated to this department. In view of the fact that the

* Other extracts of the testimony of defendant Kehrl are reproduced above in section X B 2, and below in section XII C 1.

Central Planning Board dealt in the main with questions of raw material allocation I, being the official in charge, needless to say was called in to attend all meetings which handled raw material questions, particularly therefore the distribution of iron and metals.

Q. Before the Central Planning Board was founded, was it possible for the Reich Ministry of Economy to decide independently and unilaterally concerning raw material allocation?

A. No. It could not. At that time the Four Year Plan exercised influence on the basic principles governing allocation, but this influence was much more relaxed than that exercised by the Central Planning Board.

Q. At that time, when you were still a member of the Reich Ministry of Economics, that is the time prior to 1 November 1943, was there no agency that produced the technical measures necessary to hold meetings of the Central Planning Board?

A. There was an agency existent which was responsible for doing that; that is the Office of the Central Planning Board.

Q. Who was in charge of this Office of the Central Planning Board at that time?

A. Dr. Schieber, deputizing for Speer; Ministerial Director Czejka deputizing for Milch; Ministerial Director Gramsch deputizing for Koerner.

Q. And what were the duties of this Office of the Central Planning Board?

A. They were to prepare the meetings of the Central Planning Board and to gather all the necessary data and material and make it available for the meetings of the Central Planning Board.

Q. Did this Office of the Central Planning Board continue in existence even after 1 November 1943?

A. No. It was liquidated and its duties were taken over by the Planning Office.

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Q. Did the Planning Office as of 1 November 1943 take over the duties of the Office of the Central Planning Board which had existed up till then?

A. Yes, correct.

Q. Therefore, do I understand you correctly to say that the responsibility for preparing the meetings of the Central Planning Board only went over to the Planning Office as of 1 November 1943?

A. Correct.

Q. And you personally did not hold any responsibility before that time for the preparation of the meetings, did you?

A. No. I had no responsibility for this. I didn't prepare the meetings but, of course, I did prepare those matters which I in my capacity as Chief of the Main Division II had to report at that meeting.

Q. You already told us that on 1 November 1943 you became Chief of the Planning Office. The prosecution contends that two planning offices had been in existence, a planning office of the Ministry Speer and a planning office of the Central Planning Board. Is that correct?

A. No. The prosecution on Saturday in cross-examination of the witness Hupfauer[1] withdrew this contention.

Q. Was the Planning Office an office of the Speer Ministry?[2]

A. Yes.

Q. In the decree of 4 September 1943, Prosecution Exhibit 2260,[3] prosecution document book 120, Goering decrees that institution to come into being. It says, however, that the Planning Office is going to be instituted with the Plenipotentiary General for Armament Tasks. Are you able to comment on that?

A. Originally, when the decree was promulgated concerning the institution and setting up of the Planning Office it had been provided that the Planning Office was not to be an office of the Speer Ministry but that it was to be an office which Speer, in his capacity as Plenipotentiary General for Armament Tasks, was to have subordinated to him. There were quite a number of reasons motivating that. The most important reasons are contained in my elaboration concerning the Planning Office. In addition there is to be said, and I didn't say there, that I personally had no inclination whatsoever to become a member of the Speer Ministry, and I would have preferred the office to have greater independence by means of the fact that, so to say, it was to be the only office which was subordinated to Speer in his capacity as Plenipotentiary General. In October of 1943, by a very lengthy decree of Speer, the Speer Ministry was subject to a reorganization. This decree became known all over Germany under the name "Tapeworm Decree" [Bandwurmerlass] because it was so incredibly lengthy in its wording. In this decree regulations are set up which do not fully conform with the previous regulations. In the meantime Speer had changed his mind to the effect that he did not want to have the Planning Office become an office of the Plenipotentiary General which was also working for the Speer Ministry; but he had changed his mind to the

[1] The testimony of defense witness Dr. Theodor Hupfauer is recorded in the mimeographed transcript, 14 August 1948, pages 16042–16097.

[2] As defendant Kehrl later testified, "the Planning Office was an office of the Speer Ministry which also worked for the Central Planning Board."

[3] Document NOKW–260, reproduced above in this section.

reverse and he wanted the Planning Office to become an office of the Speer Ministry which was also working for the Plenipotentiary General and the Central Planning Board respectively.

I didn't like this settlement of affairs and with the kind assistance of my colleagues in office while I was on vacation in October, a change in the settlement was brought about and, on returning from my vacation, I found this new settlement already in existence. Therefore, as of 1 November 1943, the Planning Office was an office of the Speer Ministry which also worked for the Central Planning Board.

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Q. What was the chief duty of the Planning Office?

A. I don't wish to enter into the details of this elaboration of mine. All I want to say here briefly is that 75 percent of the activity of the Planning Office dealt with the allocation of raw materials.

Q. Did the Planning Office as such have any duties or any authorities concerning labor allocation within the sphere of the Speer Ministry?

A. No authorities whatsoever of any kind with the exception of the one task for the Central Planning Board to which we will refer in due course.

Q. Did the Planning Office have any duties or authorities in regard to labor allocation referring to the sphere of the other departments or ministries?

A. No. The Planning Office had no authorities and no duties whatsoever.

Q. I'd like to be a little more specific in my questioning, Witness. The prosecution contend in their brief of 24 May 1948[1] that the jurisdiction of the Armament Office under General Waeger[2] in the sphere of labor allocation had been confined to filling manpower requirements of those branches of production which were subordinated to the Speer Ministry. Are you able to tell us what manpower requirements fell under the jurisdiction of the Armament Office under General Waeger?

A. The prosecution's contention is correct. The Armament Office was in charge of everything which referred to industry. In addition to that, power and construction projects. I think that's all.

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Q. Well, who was responsible for the manpower allocation in these sectors?

[1] During the course of the trial the prosecution filed numerous interim briefs on various subjects, none of which are reproduced herein.

[2] Major General Kurt Waeger was Chief of the Armament Office of The Reich Ministry for Armament and War Production.

A. For each big sector there was an element in existence which we call "Bedarfstraeger." I will have to explain this word. Actually you really cannot attempt to translate it and you have to know what it means. As far as any kind of allocation was concerned—raw materials, coal, power, manpower, etc., any kind of distribution—there were in the organizational structure certain organizations, agencies, or Ministries set up, each of which was a representative for a specific sector. It was the spokesman, so to speak, for that particular sector. The word "Bedarfstraeger" means "the office representing the demands of a certain sector." As I just said a minute ago, industry was represented by the Speer Ministry, nutrition was represented by the Ministry of Food; communications and transports were represented by the Ministry of Communications and Transports; forestry was represented by the Office of Forestry; and the armed forces branches were represented by the High Command of the Armed Forces. Compared with these so-called "major Bedarfstraeger," there were also "sub-Bedarfstraeger," which were subdivided according to the individual sectors. It would go into too much detail to explain that here. The only question that we have to concern ourselves with here is that referring to the major "Bedarfstraeger" which are mentioned in the decree concerning the Planning Office.

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Q. Herr Kehrl, before the recess you had explained what is meant by the so-called "Bedarfstraeger" and who came under consideration as being a "Bedarfstraeger." Was the Planning Office a Bedarfstraeger in any sphere?

A. No. It was neither a major Bedarfstraeger nor a sub-Bedarfstraeger, nor was it anything similar to them.

Q. As head of the Planning Office, did you have no connection at all with manpower questions?

A. Yes, of course. One can't deal with production at all without manpower problems cropping up. In the main, I came in contact with these problems during the Office Chiefs' conferences.

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Q. Witness, can you tell me how many meetings of the Central Planning Board had taken place up to the time you took over the Planning Office on 1 November 1943, as well as how many took place afterwards?

A. If I am not mistaken, 47 meetings took place before the founding of the Planning Office, and 10 or 12 took place afterward.

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Q. Witness, in section I, one of the speer decree of 16 September 1943, in Prosecution Exhibit 2016,* in document book 128, it says, and I quote: "The Planning Office prepares the decisions of the Central Planning Board."

Did you or the Planning Office have to decide whether a matter was to be submitted to the Central Planning Board of a decision?

A. No. Speer decided that, but after 1 November 1943 I made suggestions in some cases.

Q. But the decision as to whether or not a matter was to be brought before the Central Planning Board lay with Speer?

A. Yes, exclusively. And he decided whether or not he wanted to decide some question himself or whether, for some reason or other, he wanted to bring a matter up before the Central Planning Board.

Q. Who fixed the date and agenda of the Central Planning Board meetings?

A. Speer.

Q. Who decided upon the participants?

A. Speer.

Q. Who issued the invitations?

A. The Minister's office.

Q. Then what did the work of the Planning Office consist of? The Prosecution Exhibit 2016, of 16 September 1943, says that the Planning Office had to prepare the decisions of the Central Planning Board.

A. It was the function of the Planning Office to collect information, statistics, and data which were necessary for a suitable decision, and to submit them. Since the enforcement of the allocation of raw materials lay with the Planning Office, in such a case the Planning Office would submit draft sheets which would contain approximately the following: First, the quota for the purpose in question granted during the preceding quarter; second, the request made by the Bedarfstraeger for the quarter under consideration; and third, since the sum total of these requests lay considerably beyond the possibilities of allocations, a suggestion about where these requests should be cut and what the final allocation should be. The Central Planning Board then went through this, item by item—there were usually about 15 items—and would decide upon each one. To the extent that it was a matter of questions which the Planning Office did not handle, I would usually talk to the responsible Ministry—for instance, the Food Ministry or the Transportation Ministry—and would find out in what form the report would be made, so that wherever possible, by submitting statistics which could be

* This decree is reproduced earlier in this section as a part of Document NI-2031, Prosecution Exhibit 2016.

easily taken in or by submitting drafts, the report would be made more easily understandable.

I always attached very great importance to this technical side, because at all meetings, which I attended during many years, I always found that the discussions were much too long because all the people at the meeting did not know the facts. It was exactly the same as in this courtroom—too many arguments; too little facts. I was trying to put a stop to that.

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Q. And what were your views? What views did you form at that time about the subject of manpower direction?

A. Up to 1942, and in the course of 1943, I developed the following opinions, which I later stood up for in the Speer Ministry: In the first place, if in wartime, more than 10 million men are drafted into the Wehrmacht, and if another 5 or 7 million are assigned exclusively to armaments, then it is quite impossible to maintain normal peacetime economic activities to their fullest extent. Therefore, I was of the opinion that the largest possible series of enterprises and functions should stop work altogether, and that the production of goods should be restricted to the most urgent items. May I remind you of the example I gave you yesterday of the handkerchief and similar things. In the second place, I was of the opinion that the requirement of workers, in particular in the armaments industry, as a result of the constantly changing programs and the nature of the armaments produced, was being inflated to an extraordinary degree. That was rather a matter of feeling with me at that time, but later, as I will show, I managed to prove it. In the third place, nothing like all the people in Germany who could work were working and in particular women. In the fourth place, bigger food rations to workers would result in considerably increased output and as a result new workers would, to a large extent, become superfluous. In other words if, to give an example, rations had been 20 percent higher, then probably the output would have been 35 percent higher. Therefore, it would have been much better to increase rations for the workers in Germany than to bring in foreign workers. In my opinion there was no increase in working capacity because every new worker had to be fed, which happened at the expense of the workers who were already there. That decreased their output. Therefore, it was merely a self-delusion that this would increase the output.

Q. Did you observe to what extent the demands of the Bedarfstraeger were justified? Did you find that they were excessive?

A. I was absolutely convinced that the requests of all agencies were excessive to a considerable degree, and I had two reasons for that. In the first place, the consumer goods industries which were subordinated to me emphasized again and again, in the most fanatical fashion, that if the workers they had been told would be withdrawn were withdrawn, then they could not fill the production programs imposed upon them. However, the workers were withdrawn, and the production programs were fulfilled all the same.

But from the distribution of raw materials I knew that every Bedarfstraeger, knowing that a certain percentage of his demand would be cut, always requested more than he needed, so that the actual cut allocation would meet his requirements. But unfortunately this development took place in a number of agencies and therefore accumulated. First, in the plant, then with the armaments inspector, and finally with the major Bedarfstraeger. Over and beyond that I had found the following. The statistics and ideas were completely muddled. A requirement could arise in an enterprise in all sorts of way. Either higher production had been demanded. Then they would need more workers. Or they wanted to keep the number of workers they had and in that case their allocation had to be equivalent to the number withdrawn. So every enterprise would report its requirement caused by workers leaving. The vast majority of these workers, however, would go from Enterprise *A* to Enterprise *B*. Sauckel would add up the requests of the enterprises and believed that the sum total of requests meant a new requirement of labor and that was entirely wrong because a considerable part of this requirement arose out of fluctuations—that is, because workers went from one enterprise to another—and that was no genuine new requirement at all. It was just a shifting. The Tribunal will see that this primitive question had still not been solved by 16 February 1944, and the first beginnings of solution were brought about by me at that conference. Almost the entire conference was taken up by that question.

Q. Witness, as a result of these opinions you had formed, what was your attitude to the subject of foreigners in general? I am referring to the time when you were the head of Main Department II [of Economics Ministry].

A. My opinion was that with proper organization, sensible allocation, and by the closing down of all inessential enterprises, additional workers would be rendered superfluous in Germany.

Q. So I suppose you were also against workers coming voluntarily to Germany and being employed.

A. Yes. I was also against that. I said repeatedly at conferences in 1943, if any further foreign worker comes to Germany, then only one fact is established. He has to be accommodated. He has to be clothed. He has to be fed. But whether he can really do productive work is entirely a matter of doubt. All the more since countless enterprises employed so many foreigners that for lack of interpreters and foremen they could not manage their enterprises sensibly at all. Over and beyond that, I estimated that it was possible to get 2 million more women in Germany to work.

Q. Was your attitude against the employment of foreigners even when they came voluntarily also extended to the employment of prisoners of war?

A. No. Certainly not, because here the most important reasons I gave were lacking. The prisoners of war were already there. They had to be accommodated. They had to be clothed. They had to be fed. And there was no reason why they should not work, which is absolutely permissible under the Hague Convention.

Q. In your opinion what were the reasons that were strongest against the employment of foreigners?

A. According to my firm convictions, there were only reasons against that and no reasons for that. I have already given countless reasons, but I will give you a few more. There is no doubt whatsoever that a worker who is not at home, not living with his family, does less than a man working in his normal surroundings. Every transfer of a worker to a strange place of work means a decrease in output. The reductions of requirements of workers could be carried out, as I said, and if no new workers had come in it would have been possible to increase the food rations. Moreover at the time of which I am now speaking, 1943, after Stalingrad, the workers had up to that time, come to a large extent voluntarily and now they no longer came and no longer wanted to come. Everything spoke against labor conscription. In the first place, in the occupied territories, that created a possibility for the disturbance of public order. In the second place, the recruitment to the resistance movement was directly encouraged because, for instance, every Frenchman, if he was to be forced to go to Germany, would prefer to go to his resistance movement. Third, compulsory drafting was bound to destroy everything that had come to exist in the form of good will and psychological understanding during the first years of the war and the occupation practices that had been achieved with great difficulty. Fourth, drafting was bound to develop into an economic, human, psychological, political, and military lia-

bility. In my eyes it was the biggest of all mistakes made by the leadership.

Q. Did you make any counterproposals against these forcible measures, against the employment of foreigners generally?

A. In 1942 and 1943 I objected very violently to the transfer of foreign workers from one place to another. I pointed out that the opinion that a worker is, as you might say, motorized, as I called it, and can thereby be employed anywhere at all, is completely mistaken. He should be employed in his home and to give a simple example, the production of signal operators with Siemens in Berlin was not to take place in the form that the women working in my home town, Cottbus, were taken to Berlin to work for Siemens there, but the Siemens' work should be transferred to the textile factory in Cottbus where it could be done just as easily, as many examples showed. That was a means frequently not adopted just because people were too lazy or clumsy. In my opinion it would have been possible to play up the same idea at least to some extent in the occupied territories. That is, to bring the work to the worker and not the worker to the work. I had tried it with France in the textile sector and in 1943 in the Ministry of Economics I extended that to some other consumer goods.

Q. So your idea was that the workers should be employed in their own industry on the spot at home.

A. Yes.

Q. To work on armaments?

A. In Germany to work on armaments. In the occupied territories I thought that mistaken. I must admit in the main, not for reasons of international law, which I did not think out, but for practical reasons. Armament production is connected with secrecy regulations. These are very difficult to carry out in occupied territory. The population of an occupied territory will have a disinclination for manufacturing armaments for the enemy. It had been shown that factories making armaments for Germany were threatened by air raids and similar things. I was of the opinion that civilian consumer goods should be manufactured for German account with German raw materials in the occupied territories. And the German workers thereby released in Germany should be put to work in the German armament industry.

Q. That was your idea?

A. Yes.

Q. Did you also try to get this idea put into effect?

A. I was so, I would almost say, obsessed by the idea that this was one of the most important measures, that I marched around

like an itinerant preacher. I talked to everybody and to every agency where I could imagine that they might possibly be interested. The most important agency, of course, was Speer.

Q. While you were working for the Ministry of Economics, did you already try and get your idea put into effect?

A. Yes. I already described the moderate extent to which this was possible within the Ministry itself. Over and beyond that, in June or July 1943, I talked for the first time in great detail and at length to Speer about this idea.

Q. Was there any special reason why you should talk to Speer at that time? You were still in the Ministry of Economics then.

A. There was a very definite reason. All German agencies in the occupied western territories—the Reich Commissioner for Holland, the military commander in Belgium, and the military commander in France—had approached the Ministry of Economics with the request that it should comment unfavorably about Sauckel's drafts according to age-groups and to prevent them. Funk was a weak man. He said he couldn't do anything. It was none of his business. And I was of the opinion that the only person who might possibly do something at all was Speer. So, I had these agencies send me arguments and statistics which I submitted to Speer. One of the representatives of the Military Commander in Belgium, who was the head of the Economic Division, Dr. Beier, brought up the question at an armaments conference at the beginning of September 1943, attended by about four hundred people where Speer was chairman. After this conference I had Speer receive the representatives of the occupied territories for a conference. At that time we convinced Speer that our ideas were correct and he promised to do what he could. Immediately after that, a few days later, the French Minister for Production [State Secretary for Industrial Production], Bichelonne, visited Speer in Berlin. Bichelonne arrived with a long list concerning a program of shifting orders to France. In the main, for the iron and metal processing industry, preliminary products, supplies, products for the armament industry. Not actual armaments, but parts for the purpose—for instance cog wheels, just to give an example. At my first conference with Bichelonne, I asked him right away why he didn't suggest the shifting of consumer goods production. He said right away that this would be far and away the best thing, but he had no hope that that could be managed. But that is exactly what was discussed at this visit. Bichelonne's suggestion arose out of the following train of thought. There was no doubt whatsoever that in France a very large number of skilled and unskilled workers were unemployed. The existence of these unemployed was a con-

stant provocation, I would say, for Sauckel, who wanted to bring them to Germany. Bichelonne wanted to prevent that, and therefore wanted them to have work in France. But that was only possible with German raw materials, because France had no raw materials of her own, and that meant German orders.

Q. You mentioned just now that the military commanders* and you, yourself, at the conference, commented on Sauckel's age group drafts. Did you, yourself, consider these age group drafts to be contrary to international law? I mean the ones that Sauckel carried out.

A. No. I thought that under international law they were absolutely permissible for the following reasons. I think it is fairly unique in the history of war that immediately after the end of a war, without peace having been officially established, prisoners of war are discharged. To all intents and purposes Germany, as early as the summer of 1940, discharged all Dutch prisoners of war. A few months later the Belgians were discharged, with very few exceptions. As for the French soldiers, a large number of them had never been taken prisoner at all because towards the end of the war they had demobilized themselves, in particular in unoccupied France. With a view to the resistance movement, which was by now going rather strongly in the occupied western territories, if they disturbed the public order then I personally was of the opinion that the occupying powers had the right, under international law, to have all former soldiers taken back into the status of prisoners of war.

Q. So you thought that soldiers who had been discharged without obligation could again be made prisoners of war?

A. Yes. I am not giving an expert opinion on international law, Your Honors. I am just telling you what I thought as a private citizen. I thought this was correct.

Q. But Sauckel didn't draft these people as prisoners of war, but as civilian workers.

A. The status of civilian workers is preferable to that of prisoners of war. They were not guarded. They were paid. The French Government had taken great pains to see to it that the prisoners of war in Germany should, as far as possible, be transferred to the status of free workers, so I was of the perhaps primitive and legally untenable opinion that if somebody could be put in a worse position under international law, then the more tolerable status must also be permissible. Sauckel only wanted to draft the very young age groups—that is the people 23, 24, and 25 years old.

* Reference is to the Military Commander Belgium and Northern France; and the Military Commander of France.

Q. And why were you against Sauckel's scheme in spite of all that?

A. For all the reasons I gave before I was nevertheless against this scheme. I consider it to be a grave error. I even went so far as to say that it was not only a crime against the persons concerned, but a crime against the German people.

Q. Was that any business of yours, this whole thing?

A. None at all. Except that, as a citizen, I was interested in having us win the war, and I was of the opinion that Sauckel's method was an excellent method to guarantee our losing the war.

Q. And that is why, like an itinerant preacher you tried to get followers for your idea everywhere?

A. Yes.

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Q. Witness, in the document there are frequent references to a meeting with the Fuehrer on 4 January 1944, and to a Fuehrer decision at this meeting according to which about 4,000,000 additional workers were to be required for 1944. This crops up in particular in Document NG–1508, Prosecution Exhibit 2616[1] and Document 1292–PS, Prosecution Exhibit 2617[2] in document book 83. Had you any connection with the requests for these workers, the fact that this figure was arrived at, or the checking of the figures at all?

A. Nothing whatsoever. I heard of the amount of this figure and the fact that it existed only from Speer's minutes, and I was horrified.

Q. Who handled this request made at this conference for the Speer Ministry, inasfar as the Speer Ministry was called in at all?

A. It was a compilation of the requests of the various main committees of the Armaments Office, and General Waeger had discussed it with Speer.

Q. Did you consider this demand to be justified?

A. I thought it was absolutely senseless.

Q. Why?

A. Because if Sauckel had been in a position to really bring these 4,000,000 workers to Germany—or 3,500,000, because I think half a million were supposed to be Germans—they could neither be accommodated, nor fed, nor provided with work.

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Q. In Planning Office decree dated 16 September 1943, which is Prosecution Exhibit 2016, Document NI–2031,[3] contained in

[1] Not reproduced herein.

[2] Reproduced above in this section.

[3] Reference is made to Speer's basic decree on the Planning Office, reproduced earlier in section XI B as a part of Document NI–2031, Prosecution Exhibit 2016.

prosecution document book 128, it says and I quote: "4. For allocation of all labor to individual major sections in Greater Germany (industrial, war economy, transportation, food, etc.), the Planning Office shall submit proposals to Central Planning for decision and the execution thereof shall be recorded statistically." When the decree of 16 September 1943 came into being, or before that, did you discuss this with Speer?

A. Yes. I pointed out to him that concerning the allocation of manpower the Central Planning Board had no jurisdiction at all and I couldn't see why it was possible for the Planning Office to make suitable suggestions. On that occasion Speer told me what I testified to this morning, that he had in vain sought to have Goering extend this decree. However, he was not going to give up his efforts to win influence over Sauckel and therefore we would try to do it without his authorization. The decree also went up to Sauckel and if he was going to object officially, then there would still be time to have it withdrawn. It is a definite fact that Sauckel never read the plan and he never raised any objection to it.

Q. What did you now undertake to fulfill the task as was described in this decree?

A. I commissioned a specially suitable man among those whom I had specially selected for work in the Planning Office to take care of this problem. I gave him all my ideas and fundamental outlines, on principle and in great detail, in much greater detail than I submitted this morning to the Tribunal, and I commissioned him first of all to clarify the statistics in this field of work.

Q. Why did you want to have the statistics clarified?

A. When the Planning Office first came into being Speer had told me the following: In April of 1943, and later on once again in October or possibly November of 1943, a meeting had taken place with Goering concerning manpower, and the most important executives had taken part in it. On that occasion the discrepancies that had arisen had been so gigantic in dimensions in regard to statistical figures between Sauckel's statements on the one hand and the statements of the Bedarfstraeger on the other hand, involving many millions, and the figures didn't even properly reproduce in conformity the workers available in Germany altogether, with the result that it was a prerequisite to clarify the statistics first of all before undertaking anything further.

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Q. Referring to document book 128, I wish, first of all, to pass over to Exhibit 2016. Will you please refer to page 28 of the English, which corresponds to page 29 of the German. This is the decree of Speer, dated 16 September 1943, concerning the

Planning Office. I refer to article I, section 1. You have already commented on that, but do you have anything to say to article I, section 2?

A. In general, I would like to say that at the start of September, Speer discussed the contents of the decree, as such, with me. When he actually turned over to me the real copy on 16 September, he had inserted a considerable number of additional points. At that time, when the Planning Office was the subject of discussion, I told him that reasonable men, if they were desirous of waging war or were expecting war to be waged, would start with planning four years prior to the actual outbreak of war, but not four years subsequent to the actual outbreak of war. I did not share the opinion that the functions described in this decree could still materialize and be fulfilled in the present stage of the war. Speer answered to this that nobody yet knew how long the war was going to last, and it was never too late to start. First of all, I would like to refer to section I, item 1 [2], to draw your attention to the fact that the translation introduced here is incorrect and it is of some significance. The English text reads, "With regard to this, it shall arrange for the distribution of basic materials." The German text reads, "It shall prepare the distribution."[1]

Q. I will now pass over to item 3. The prosecution has contended that, as far as the entire war economy is concerned, the Planning Office was responsible for drawing up production and distribution plans. Is that correct?

A. The prosecution is right in that case. That's what item 3 says; but actually it never materialized, and it wasn't even ever initiated. It didn't prove possible to fulfill this function by reason of the fact that the necessary data from all the agencies affected were missing.

Q. Was this production and distribution planning considered to be within the Planning Office's own sphere of jurisdiction, or to what was it restricted?

A. No. It says here in the preamble "As a basis for the work of Central Planning." And there it should really read "Central Planning Board" the word "Board" was omitted.[2] Therefore, this was to serve only as a basis for the work of the Central Planning Board.

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[1] The German reads: "Es hat hierzu insbesondere die Verteilung * * * vorzubereiten." The translation suggested by defendant Kehrl disregards the words "hierzu insbesondere," which the translator interpreted as "with regard to this." "With regard to this" refers back to the immediately preceding section (article I, section 1).

[2] The German words "Zentrale Planung" literally means "Central Planning." However, the translation ordinarily used was that suggested here by the defendant Kehrl, "Central Planning Board."

Q. Be good enough to pass over to page 29 of the English, corresponding to page 30 of the German. In the second paragraph of item 6 of article I it says, "It shall regularly report to Central Planning on the state of imports essential to the war economy."

A. This happened at no time, as can be seen from the findings. With reference further to item 7, I have to say that this never materialized either, and it couldn't materialize because the jurisdiction to do so, up to the end of 1944, lay with the Armament Office. I refer, in connection with this, to the testimony of the witness Hupfauer.[1]

Q. In a subsequent section, article II, section 1, you will find further duties of the Planning Office enumerated. Was anything done by the Planning Office in this respect?

A. Here, too, a number of duties could not be fulfilled. Referring to article II, section 1, I have to say that this involved work which referred exclusively to the method of work to be observed in the main committees. This work encountered the greatest possible difficulties in view of the lack of willingness on the part of the main committees; and, furthermore, details concerning this are contained in affidavits deposed by the respective officials in charge.

Q. Referring to the tasks enumerated under article II, were they fulfilled?

A. No. They never materialized either. This is another comment to be made with respect to item 5 of article II on the next page, which is page 31 of the English document book. This sphere of duties was fulfilled, but there is a translation error here to be noted. The text reads "Authorization for extension or expansion of enterprises shall be issued principally by the Planning Office" whereas the German text reads "In agreement with the Planning Office."[2]

Q. Let us now refer to item 6.

A. This never materialized either, prior to November 1944, by reason of the fact that the jurisdiction to decide on production priority remained in the hands of the Armament Office until that time.

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Q. On page 145 of the English we have exhibit 2288. Those are the minutes of the 54th meeting of the Central Planning Board of 1 March 1944. At least, this is a part of the minutes.

[1] The complete testimony of defense witness Dr. Theodor Hupfauer is recorded in the mimeographed transcript, 14 August 1948, pages 16042–16097.

[2] The translation suggested by the defendant Kehrl is correct and has been incorporated in the translation reproduced above in this section.

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PRESIDING JUDGE CHRISTIANSON: What is the exhibit number there?

DR. GRUBE: Document R–124–0, Exhibit No. 2288.[1] First of all, I would like to point out that the minutes submitted by the prosecution here as Prosecution Exhibit 2288 have not been submitted in full. The first five pages are missing. These five pages are included in my own book, book 5–B. They are identified as Kehrl Document 370, Kehrl Defense Exhibit 227.[2]

Q. Herr Kehrl, do you have anything to say about this?

A. These four pages show the purely reporting function I exercised in this question, both on the basis of the remarks made by the chairman of the meeting, Milch, and on the basis of what I said myself. With reference to my defense in this case, these four missing pages seem to me to be the most important ones.

Q. Sauckel made a fairly lengthy speech about recruitment of foreign labor in the occupied western territories. Does that correspond with what you said before?

A. That was nothing but one endless complaint about the dispute in the way of his getting labor from the West. He complained that because of the machinations of the Speer Ministry he was unable to bring 1½ million Frenchmen to Germany from France whom he could have gotten otherwise. At the conference he aggressively reproached me repeatedly, without mentioning my name, because he knew my attitude on this question. From my standpoint, the course of the meeting was a very unfortunate one. To all intents and purposes, Sauckel was attacking Speer and his decisions in what he said. Milch, after some time, supported him, and you might say, entirely lost the thread of the meeting, which is something that happened to him occasionally when he got excited. Schieber was supposed to be called in because of Italy, in order to prove that nobody must be withdrawn from the protected enterprises there. Instead of that, he explained that it was possible to make such withdrawals. And so finally Sauckel says in triumph: "So I can take people from the protected firms." That completely canceled out the decisions of 4 January 1944. Then I couldn't keep quiet any longer and I said I wanted to speak. I said that now I was going to explain the standpoint of my absent Minister, and those are the words with which I began my statement. That is where we come to the place where I have a duet with Sauckel, where, unfortunately, I am quoted in the IMT judgment by name,[3] and I have always suspected that that fact was responsible for giving me the honor

[1] Reproduced in part earlier in this section.

[2] Ibid.

[3] Trial of the Major War Criminals, op. cit., volume I, page 244.

of the dock. You will find that on page 177 of the English. What page is that in the German?

Q. Page 187 of the German.

A. My information as to the length of time that voluntary recruitment was carried on in France and when compulsory conscription took place came exclusively from our French agencies and from Bichelonne. When visiting Bichelonne—and I forgot to mention this before—I had functioned as interpreter between Bichelonne and Speer. So here right at the beginning where it says page 67, page 1827 of the original, the third line after that, I say: "During all this time a great number of Frenchmen were recruited and voluntarily went to Germany." "Recruited" is the word here, but in my opinion it should be "hired."[1]

I am sorry, but I don't think I can explain except by using German and English at the same time.

That is where Sauckel interrupts and says, first of all, that he is rather annoyed with me for talking about it at all, and then he says first that they were not all voluntary, but some were also conscripted. Three lines afterwards he says that of 5 million only 200,000 came voluntarily. I can no longer remember now whether he gave that figure or whether he said 2 million, but the difference between the two statements can only be explained if one knows Sauckel's tempestuous nature. He was already mad. He says first that some were not voluntary; then I correct him; then he is so mad that he exaggerates and says that no one came voluntarily. If I had maintained that they had all come compulsorily, then he would say that they all had come voluntarily. How many of them actually came voluntarily and how many came compulsorily is shown by a contemporary document. That is a secret report from Minister Hemmen to Ribbentrop on exactly the same subject. That is in document book 92, Document 1764–PS.[2] The report given there shows that my remarks are absolutely correct and that what Sauckel says is absolute nonsense. Now, unfortunately, I am further with the words—and I am afraid I have to quote English now—"Let us forget for the moment whether or not some slight pressure was used." I said nothing of the kind. The German text says something quite different. There it says: "We will leave open for the moment whether some slight pressure was applied."[3] In other words, I am trying to calm him down. If I had already been in the courtroom I would have said "don't let us argue."

[1] The German words are "freiwillige Werbung."

[2] Prosecution Exhibit 2748, reproduced in part earlier in this section.

[3] The German sentence in question reads: "Ich will mal dahingestellt sein lassen, inwieweit ein leichter Druck dabei war." A more literal translation is "I will disregard for the moment to what extent slight pressure was used."

I just pushed it aside because I can't discuss statistics with somebody who is so excited, so I just said "we will leave it open." Incidentally, the prosecution has agreed to this change in the translation. I think there is quite a difference with regard to what I am saying there.

Finally, I would like to say what I meant by "slight pressure." The food rations given to the unemployed in France were, of course, lower than those of the workers, and considerably lower than those of the French workers in Germany, so there was always a certain amount of pressure in that respect for people to go to work. That is the only pressure I meant. That is the same pressure under which Germans are today who let themselves be recruited to work in France nowadays from the Bizone.[1] Then the purpose of the evacuation program is explained by me at some length. I point that out on a committee where I had no right to decide anything; I insist, with the utmost energy, on having the system of protected enterprises left completely untouched. I say almost dramatically here: "My Minister has promised it and his promise must be kept." As a result of these, my remarks, and the fact that in this case, exceptionally, the findings of the meeting were made out by myself, Sauckel's attack on the protected enterprises was warded off.

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4. TESTIMONY OF DEFENDANT PLEIGER

EXTRACTS FROM THE TESTIMONY OF DEFENDANT PLEIGER[2]

DIRECT EXAMINATION

* * * * * * *

DR. SERVATIUS (counsel for defendant Pleiger): Herr Pleiger, what happened to the Russians who worked in the ore and coal mines [in German-occupied territory of Russia] together with the Germans?[3]

A. The plant leaders reported to me that those Russians who worked closely with us were very worried about their own fate, because they had been threatened with deportation to Siberia if they fell into the hands of the Russian troops. On my own initiative, I gave instructions to all plants that any Russian or Ukrainian worker who had worked with us and who was afraid of his future fate, should be taken along in the evacuation west

[1] Reference is to the British and United States occupied zones of Germany.

[2] Further extracts from the testimony of defendant Pleiger are reproduced in volume XII, section VI B.

[3] In his testimony immediately preceding this extract, Pleiger had been discussing his function as director of the Berghuette Ost (the BHO). The BHO was a German agency charged with the operation of ore and coal mines in the German occupied eastern Europe.

to the Dnepr and, if he desired so, he was even to be taken to Germany—that was with all his family. I also gave instructions that shipping space was to be made available in advance and that they should get priority over machine shipments. The result of this was what we have already discussed in the Flick and in the Krupp trials—that Ukrainians who had closely cooperated with us were, with their families, taken to Germany with our retreating forces.

Q. That is quite sufficient. This brings me to the end of the subject of spoliation and I now come to the third main subject, labor allocation. The prosecution have submitted a number of documents which are contained in document book 120. These documents show that you, Herr Pleiger, took part in meetings and sessions of the Central Planning Board. Before I discuss these in detail I would like to ask whether you can give us a short explanation of what, in your opinion, the Central Planning Board really was?

A. All I can say is what I saw, that is my own private opinion, because I do not have any detailed information. In order to safeguard the priority of armament production; in order to make sure that all demands made to industry during the war should be centralized; and further, in order to balance the iron production with food production and bring it in keeping with the raw material stocks and the production capacity of economy in general, as far as I know, Goering, in April 1942, decreed, within the general framework of the Four Year Plan, that a Central Planning Board should be set up. It was to be immediately responsible to Goering. As far as I remember Speer, as Armament Minister, in this way achieved an extension of his authorities and powers. That was what he wanted and that is what he achieved. This gave him the possibility of carrying out a planned economy. The compulsion under which economy worked was now concentrated and found its expression in that way. I have a feeling that the underlying idea and the original idea of creating the Central Planning Board was one of Speer's ideas who, as Armament Minister, wanted simultaneously the authority of the Plenipotentiary for the Four Year Plan concentrated in his hands also.

* * * * * * *

Q. Did it come about that you were present during the meetings?

A. During those meetings only those people could be present who received an invitation.

Q. Now, who did receive an invitation?

A. Whoever, as representative of an industrial branch or of an

economic group, had perhaps some importance in any of the decisions to be taken by the Central Planning Board.

Q. Would you have been in a position not to attend such a meeting after you received an invitation?

A. No. That was not possible.

Q. So it really was an order for you to attend?

A. Yes. It was that. On one occasion I tried not to go to one of the meetings, and that is shown in the minutes, because I had been rather annoyed by the whole thing. When Speer found out that the sickness which I had used as an excuse was merely an excuse, he was very annoyed about it and we had a very heated argument over it.

Q. Now, for what reasons were you called to attend?

A. Because I was the spokesman and representative of the German Coal Industry. The decisions taken by the Central Planning Board were mainly based on raw material production and among the raw materials, coal production was one of the most important, because in actual fact and to all intents and purposes, the whole of industry and economy, particularly during the war, is based on coal production. The Central Planning Board therefore, had to know actual figures about coal production in order to make any decisions for their other industrial production; they also had to know to what extent it was possible to increase coal production.

Q. When discussing the increase of coal production, was the decision of the Central Planning Board one of the important factors?

A. As far as I took part in those meetings, that was one of the main subjects of discussion; that by all means available, coal production had to be increased. But this is a difficulty which we did not have only in Germany. As far as I know, the same problems arose in England and America, at least as far as I could gather from the reports which were discussed in the Central Planning Board.

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Q. Was it ever discussed how more coal could be produced and that somehow some more coal must be obtained?

A. Well yes, of course, that was the constant subject of discussion.

Q. How was that to be achieved?

A. In all meetings of the Central Planning Board, the decisive point under discussion was "How much capacity have we got?" The production capacity for coal we knew. That means we knew the coal was there but, first of all, we were short of labor, because all over the world the coal production is one that depends

largely on available labor. The second difficulty was pit props and machinery. Speer, as the Armament Minister, was in a position to make machinery available and also the props, and Sauckel was responsible for making the labor available.

Q. Did you yourself demand labor?

A. No.

Q. Did you not actually apply for labor?

A. Yes, of course. I made the point that in the Central Planning Board the individual prerequisites were missing—for instance, labor. There of course I had the numbers. I received my figures from the individual groups and they were checked and summarized in the Reich Association Coal.* My first duty was always to try and see that the German miners were left in the German mines; at least during the initial period I was successful in that. The German mining industry was the only one that was left in peace by the war and was exempted from the draftings of the Wehrmacht. I even succeeded to get German miners out of the front line and bring them back to the industry.

Another thing I tried was to get those countries to whom we were under obligation of supplying coal to produce their own coal in Germany—for instance that Italy, Czechoslovakia, Hungary, and others were to mine their own coal in Germany. This demand I carried right up to the highest government levels, even during a meeting with Hitler when we discussed the coal position—for instance, I demanded that Italy, which demanded one million tons of coal per month from us and which received it on an average, should mine their own coal in Germany. Our suggestion was—and I negotiated this point with the leading personalities of the coal industry in Italy who came to Berlin for that purpose—that 30,000 miners, volunteers, should be detailed for mining in Germany.

On the basis of a decision taken in the Praesidium, [of the RVK] the German mining industry declared itself prepared to make the mines available for Italy. The engineer would at the same time receive mining training, which really met one of the intense demands of the military, and all the mining appliances and everything was to be made available to the Italians by the German mining industry.

I am quoting this example because it was one of the most outstanding ones, and because I really, there, put everything upside down in order to achieve that this high export demand which was made on us should be eased. But this demand of mine was unsuccessful in Italy itself. That will be shown by the documents.

* Pleiger was Chairman of the Praesidium of the Reich Association Coal (RVK) and at the same time Reich Commissioner (Reichbeauftragter) for Coal.

It is quite correct that when all these attempts had failed, I had no choice but to employ foreign workers and prisoners of war, because they were the only available labor. It was my point of view in this connection that the coal industry should preferably have Russian prisoners of war.

Q. Why was that so? Why Russian prisoners of war?

A. I only received and passed on the reports I received from lower levels. I think the Tribunal will understand that having to deal with this terrific amount of work, I could not be bothered with small details. I had to rely on the reports and the suggestions made to me by the district groups.* In addition, during a meeting of the Praesidium, the Praesidium discussed this point in detail and the aged gentlemen of the Praesidium who, during the First World War, had been active in the mining industry, remembered and recollected with particular enthusiasm how successfully they had employed Russian prisoners of war in the mining industry. Now it had to be expected that the same results would be achieved in the Second World War.

Q. Therefore, you had no misgivings about employing Russian prisoners of war in the coal mining industry?

A. I have no idea why I should have had misgivings, because first of all during 1914–1918, I think it was recognized and permissible. This matter was discussed in the Praesidium. I myself am not a legal expert, so I have no idea about international law. But we had a legal expert or a legal commission; consequently, that was a kind of legal conscience of the Praesidium, whose chief was Director General Stahl. He was a lawyer and he didn't seem to think of any violation of international law in that connection. Anyway, as far as I can see from press notices now, German prisoners of war are now employed in Belgium, and in French, and Dutch mining industries. They are still working there, as far as I can make out.

Q. Is the employment in the mining industry particularly dangerous or unhealthy? Is it not prohibited under international law for those reasons?

A. As far as I know the accident statistics show that the mining industry is not one of the most dangerous ones, by a long stretch; however, I am perhaps prejudiced in that respect. Anyway, we had a regulation in force that workers who were not trained miners should only be employed in places of work where there was no danger, or less danger. This is a measure which I myself initiated, even at that time, because in the Salzgitter area when setting up a mining industry there, I had the experience that

* Reference is made to the regional groupings of coal enterprises represented in the Reich Association Coal.

it is more economical to use unskilled miners in jobs where they gradually get acquainted with the mining work. The accident statistics also prove that the percentage of accidents among trained German miners is much higher because of this measure than it is among foreign workers and prisoners of war who are not trained miners. I just want to make this point quite clear: that the skilled and experienced miner who has known the mining industry for years, takes a much higher place in the accident statistics than the unskilled foreigner and prisoner of war, who had no previous experience in mining. That is a proof of our general policy of employing foreigners and prisoners of war. It means that the dangerous places in the mines were filled by German expert miners. Of course, anybody knowing the mining industry will readily understand that there is quite a different spirit of comradeship in the mining than it is in any ordinary industry or industrial plant. In addition, the security and safety measures are so modern in the German mining industry and the regulations for mining safety are so thorough and go so much into detail, that thank God, during the war, in spite of using so many unskilled workers, we had no major mining catastrophes.

* * * * * * *

Q. During the meetings of the Central Planning Board, did you ever give exact figures about the demand for labor in the coal mining industry, and how did you get your figures?

A. I had very detailed statistical data which the business management of the RVK had given me. These, after all were my tools. These statistics contained the exact figures, as percent a certain day. They gave the labor employed in mining and that also contained those who were drafted into the Wehrmacht; that is, the German workers, and those figures of course I always carried with me when I went to meetings of the Central Planning Board, because I had to expect new quotas for the coal industry. When I went to any such meetings, I really knew what to expect. My statistics would also contain data about the expected demand for coal which was based on reports from the coal consuming industries. The difference between the demand and the actual output of coal available, in my recollection, was on one occasion about 50 percent. In other words, we could only supply 50 percent of the demanded coal—that is, coal demanded by the coal-consuming armament industry. The labor necessary for fulfilling this increased demand was also mentioned. So whenever the Central Planning Board demanded an increase in coal output, I was able to determine on the basis of my data how many additional laborers I needed to do so. I could figure out that the foreigners and prisoners of war had an output of about 50 per-

cent as compared with a German worker. That was our expectations of the unskilled foreign workers and prisoners of war in mining industry generally. I mean to say that if Central Planning Board expected me to produce another 10 thousand tons per day, I didn't have to think about that; I knew 10 thousand tons of coal with the output of the foreign workers meant that I needed 20 thousand foreign workers more.

Q. That is quite sufficient on this subject. Did not those statistical data, which you had, have another and a very important purpose?

A. I could also see from these data how far the labor promised to industry from the Central Planning Board had been allocated by the Plenipotentiary General for Labor Allocation, how many there were still to come, etc. These statistics were an instrument of defense in that respect. With their help I could always prove with black and white that the coal industry couldn't produce more, and why they hadn't produced more so far, why the increased output demanded of them some months ago had not been achieved, and couldn't have been achieved. Of course, I also had to rely on the figures given to me by the individual plants, because these plants did not only report to Berlin via their district group, but they would also report to the labor offices, and the district labor offices to Sauckel, and at the same time, as another check up, to the Supreme Reich Authorities, the Mining Office, the Mining Department in the Ministry of Economics.

* * * * * * *

Q. Now, Herr Pleiger, the reports which you made during the sessions of the Central Planning Board regarding the necessary labor; were they taken into consideration, was anything done about it?

A. Yes, usually the fulfillment of my demand was a very simple matter. On the basis of the very easily given promise by Sauckel, the Central Planning Board said that the coal mining industry would get their labor from Sauckel. In other words, Speer decided that Sauckel had to make the labor available to the coal industry, and that he would do so. As far as Speer was concerned, that was all there was to it.

Q. Was that the end of the matter as far as you were concerned?

A. No. Unfortunately not, because now the whole trouble started. I would now inform the coal industries, through the proper channel of Speer's decision, that is, that Sauckel would have to make the labor available. Now that made it possible for the coal industry to determine whether the promised labor would actually be made available. For me, too, it was important to

know that, because in that way I could show to the Central Planning Board where and to what extent Sauckel had fallen down on his job and had not kept his promises. Well, since usually he did not fulfill his promise, I could always justify the failure of the coal industry to fill their quotas.

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Q. Herr Pleiger, you had differences of opinion with Sauckel because he said that he would find the labor and then he didn't. Now, perhaps you can give us some comments on these controversies?

A. Well, the numbers of workers necessary that I gave him were not even sufficient in order to fulfill our quotas, because part of the labor made available by Sauckel had to be used in order to make up losses, departures.

Q. Now, what was Sauckel's reply to that? Did you reproach him? Did you blame him for any of these difficulties?

A. My conversations with Sauckel were always rather heated, because Sauckel never wanted to see that the fluctuation in mining had to be as big as it was. He maintained that mining industry had to prevent departures, but of course, technically, that is impossible. However, the departures were one of the main reasons why my figures never tallied with those of Sauckel. In addition Sauckel repeatedly did not supply the number of workers to coal industry which he had promised, and he lagged behind his own promises. Now, it was my duty to raise these matters in the meetings of the Central Planning again and again in order to defend myself against the reproach that I had not fulfilled my quotas.

Q. Herr Pleiger, I now show you document book 120, meetings [of the Central Planning Board] A to J. It's English book page 3. The document is Prosecution Exhibit 2274.* In that document we have minutes of a meeting of Central Planning Board dated 23 October 1942 and on page 1271 of the original, you state as follows: "Give me the workers, and please see that those workers get here." Does that not indicate that you yourself demanded the workers?

A. No. I don't see any contradiction in that. All I meant to say was that the first necessity for the increase of production was the availability of labor. So it would mean putting a wrong implication on the situation if you were to say that it was my demand for labor which I voiced there. I may also point out that Speer only decided on who was to receive labor from Sauckel and in that respect no representative of just one branch of industry could have influenced him in that. The distribution of labor

* Document R-124-A, Prosecution Exhibit 2274, is reproduced in part above in this section.

was dependent on the points of view of Speer, and I think nobody would think that the most decisive raw material production which is the basis for any other production connected with total war, that that should be left completely unconsidered and that it would not be tried to increase that production with the help of all means. I don't think there can be any doubt about it.

Q. Now, did you get this kind of labor because it was particularly cheap?

A. As I said earlier, from an economic point of view, the coal mining industry was in no way interested in the cheapness of that labor, because first of all they had to find accommodation in camps. They had to find their food and it was estimated that accommodation cost about eight hundred to a thousand marks per head. That was an overhead which almost comes equal to a small house for a worker. They only produced 50 percent of the ordinary output and then, during the training period, it was even necessary to keep German training personnel from their own jobs. Once the foreigners had been trained, after 3 or 6 months, then 50 percent of them left us. They departed and created the so-called fluctuation.

* * * * * * *

Q. Witness, I'd then like to refer you to a statement which you made at the 58th session of the Central Planning Board. This is contained in document book 120, Meeting E to Q, page 198 of the English, Prosecution Exhibit 2290,* page 209 of the German. Here you speak of a drive initiated by you so that the sick PW's who were no longer fit for proper service and, therefore, no longer usable for direct work in the mines should at least be used indirectly, in the interest of the mining industry. Isn't it possible to interpret this statement as representing an endeavor on your part to use these people who, according to your own statement, were unfit and nowhere as efficient as before, to the last possible drop of their strength?

A. Anybody would be inclined to interpret this in the sense indicated who wasn't acquainted with the mining industry and its conditions. But I have already told you before that sometimes only 20 percent of the people checked on were actually passed by the mine doctors [Knappschaftsaerzte] as fit for mining work. The rigorous measures and the regulations that existed, and particular claims as to physical fitness for miners employed in the mining industry, were strictly adhered to by the mine doctors. Of course this caused people to be rejected who, from a normal standpoint, were fit and healthy. It wasn't my idea either, because the initiation was made via the Economic

* Document R-124-Q, Prosecution Exhibit 2290, is reproduced in part earlier in this section.

Group, on the basis of suggestions submitted by the mine doctors. The work of those workers who were to be assigned to wood-cutting was considered a recreational type of work, judging from general working standards. And later on the idea was to return them to the mining industry proper, but only the doctors are capable of evaluating this properly, because they are the men who decided what physical labor could be expected of a man on whom they were checking. Once again, I'd like to stress that the mine doctors were very conservative in their attitude, and they wouldn't permit anyone to exercise influence over them.

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Q. I will now pass over to the problem of recruiting via Reich Association Coal. The charge is made that you, yourself, in your capacity as Chairman of the Praesidium, had recruited manpower. Did you, on your own initiative, undertake any such recruitment drives, or have them undertaken abroad?

A. No, neither did I undertake any such recruitments via direct deputies in the form of specific persons, nor did I have anything to do with the local groups or collieries carrying out any such recruitment drives.

Q. I will now submit to you document book 111–A, page 46 of the English, page 102 of the German, where you will find Prosecution Exhibit 1945.[1] These are minutes of the meeting drawn up by Ministerial Counselor Dr. Letsch of the Ministry of Labor. It refers to the recruitment drive in Krivoi-Rog. Do you still remember that? Do you know how this came about?

A. I testified as prosecution witness in the Flick trial concerning this matter,[2] and in the Krupp trial as a defense witness,[3] so I remember it very well.

Q. Will you be good enough to repeat the most substantial portions?

A. I have already said that the entire mining area Krivoi-Rog had been heavily destroyed and the available manpower still there could not be assigned to work. The chief of mining, Dr. Lillich, had been ordered to set these areas into operation, particularly the manganese ore mining. He drew my attention to the fact that good experts among the mining industry people could not be employed by him, and he was afraid that they would be lost altogether for the mining industry unless some kind of measures could possibly be arranged for, according to which they could be assigned elsewhere temporarily. In view of the fact that we had

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[1] Document NI–460, Prosecution Exhibit 1945, reproduced in part earlier in this section.

[2] Pleiger's testimony in the Flick trial appears in the mimeographed transcript, case 5, 23–25 July 1947, pages 4226–4423.

[3] Pleiger's testimony in the Krupp trial appears in the mimeographed transcript, case 10, 21 April 1948, pages 5635–5723.

no other mining industry available except the German mining industry, I said at once, "All right, let's use them in the Upper Silesian or the Ruhr mining industry." I don't remember which.

Q. Herr Pleiger, witness von Carlowitz[1] has also testified on the subject. You were present at this testimony?

A. Yes.

Q. Was it right what he testified to?

A. Yes.

Q. By whom was the recruitment drive in Krivoi-Rog actually carried out?

A. The recruitment drive was carried out by the only agency responsible for it, which at that time—1941—was still the Ministry of Labor. As far as I know, once again in Krivoi-Rog a further conference took place in which the details of the recruitment drive to be carried out were determined. To speak of involuntary recruitment is out of the question.

DR. SERVATIUS: Your Honors, I beg to refer to defense document book 14, pages 439 and 440. These are testimonies of Letsch in Case 5,[2] and an affidavit also by Letsch corroborating and supplementing his testimony.[3]

Q. Witness, with reference to this aforementioned conference in Krivoi-Rog were you represented by a deputy of the Reich Association Coal?

A. As far as the recruitment drive measures were concerned, nobody of the coal industry took part in them. However, mine doctors were sent there in order to make sure that the people recruited were actually fit for mining service according to our own standards, because the standards applied in the Russian mining industry as far as the physical and psychological fitness is concerned were quite different from those we are used to in German mining industries. The mine doctors really didn't have anything to do with any recruitment drive.

DR. SERVATIUS: Your Honors, I beg to refer to defense document book 14, page 441, affidavit of a Bergassessor Hartmann,[4] who was present at the time. Did you personally from Berlin interfere in this recruitment drive?

A. No. I never considered this as a matter which could shake the world. I approved of it and everything else was just a matter of experience for me on the margin of my activity. The initiative then lay with governmental agencies.

Q. I will now submit to you document book 111–A, on page 100 of the German, which is 44 of the English. You will find

[1] Von Carlowitz' testimony is recorded in the mimeographed transcript, 31 July; 2, 3 August, and 21 October 1948; pages 14355–14373, 14471–14547, 14651–14674, and 26432–26441.

[2] Document Pleiger 439, Pleiger Defense Exhibit 317, not reproduced herein.

[3] Document Pleiger 440, Pleiger Defense Exhibit 318, not reproduced herein.

[4] Document Pleiger 441, Pleiger Defense Exhibit 319, not reproduced herein.

Document EC–75, Prosecution Exhibit 1944,* in which you say that these workers should not be recruited in Krivoi-Rog, but much rather they should be ordered to their posts, which is the military term. What explanation do you have to make for such a statement?

A. This is due to the incredible discrepancies in wages that existed. I have to say that I considered the wage scale wrong. I considered the differentiation in wages wrong, and I very energetically opposed it, but this shows very clearly that I said that these people were not to be recruited, but they were to be ordered to their post; and in addition to their food they were to be given pocket money and an allowance; that is to say, they were to be temporarily ordered to work. This is the military term. What I wanted was to take the workers from the Krivoi-Rog industry and have them transferred into the Ruhr area, and the Ruhr mining area was to pay the German wage scale to the BHO and an allowance was to be deducted for the Krivoi-Rog miner, and the BHO was then to issue the money to the respective families at the other end, and thus I would have been able to cross this gap, or wage discrepancies, for which I was subsequently blamed. But my suggestion was turned down as impractical. I personally placed emphasis on giving these men the very best impression of the German mining industry, because later in the 6 months or 9 months they were to begin work as propagandists for us.

Q. Did these Krivoi-Rog miners ever actually return?

A. Yes. I myself spoke with people who told me, full of enthusiasm, what they had experienced in the Ruhr area. I spoke with people who later on were actually put into jobs of an executive type.

Q. Did you have anything to do with the shipping of these workers to Germany.

A. No.

* * * * * * *

Q. When did you hear for the first time that Sauckel's recruitment in the East was no longer on a voluntary basis?

A. That was in 1943, from Colonel Fink, (Chief of Supply) of Army Group Mannstein. He told me that Sauckel was now using methods which would damage Germany's reputation. He had taken people out of a movie theater and had taken them away to Germany. When Fink told me that, I was really shocked because, after all, our people had to work with these people, and anyone who has managed a plant knows that if you have a man who was forced to come to Germany, and put him at a valuable

* Reproduced earlier in this section.

machine or a complicated crane in a steel works, he can do more damage in one shift than he can earn in a hundred years. He can ruin the whole program. I can't understand why Sauckel took such measures.

I immediately went to Sauckel and reproached him severely. There was a real fight. Sauckel said that was just propaganda against him. Then I asked Colonel Fink. I was determined to go to Hitler and to Speer with this matter and I did tell Speer about it to prove what was expected of industry. Thereupon Colonel Fink backed down and refused to give me the evidence, and Sauckel said as soon as he heard about this—this was supposed to have happened in the central sector—he flew there to find out on the spot whether one of his men had actually done this. And he said it was a pure invention. That is what Sauckel told me at the time.

DR. SERVATIUS: Mr. President, I defended Sauckel.[1] This case was investigated thoroughly. A great deal of evidence was brought to show that this incident could not be proved. A small incident had been exploited for propaganda purposes. A construction man had called his workers out of a movie, and that is the origin of the story.

Q. I now come to recruitment for the Hermann Goering Works [HGW]. You had already said that there was no recruitment by the Reich Association Coal. Is that true also of the Hermann Goering Werke, that there was no recruitment?

A. The Labor Ministry, later the GBA, were in charge of obtaining workers. They did not allow any interference in their duties. What was true of other concerns in Germany was all the more true of the HGW. No such recruitment was carried out by me. I just want to say in advance: we had foreign workers as early as 1938–39, 60 to 70 percent. That was at Brassert's time.[2] They were also recruited by the competent Ministries.

* * * * * * *

Q. Herr Pleiger, in the Central Planning Board were you also working for the Hermann Goering Works in labor allocation questions?

A. No, I have already said that. In the Central Planning Board I only represented coal. I appeared as a representative of the entire German coal industry. The Hermann Goering Works, as far as steel was concerned (iron and steel plants, that is), was represented in the Central Planning Board by Roechling and Rohland. Power, gas, and water were represented by State Sec-

[1] Dr. Servatius refers to the fact that he was defense counsel for Fritz Sauckel in the trial before the International Military Tribunal.

[2] Reference is made to construction of parts of the Hermann Goering Works prior to the outbreak of the war.

retary Schulze-Fiehls, who handled this subject. It was very complicated, as Speer had split it up into committees, rings, special rings, plenipotentiary generals, and armament offices; and they represented the various departments either in the Ministries or in the Central Planning Board.

I would, however, like to point out again that I have the feeling that an impression is being created that it had been my function as Chairman of the Praesidium of the RVK to deal with labor allocation questions. Ninety-nine point nine percent of my work dealt with the entire problem of coal economy and directing its policies in cooperation with the Praesidium. In the truest sense of the word we were dependent on standing up for our interests in the Central Planning Board, in order to prove that the coal industry was doing its duty. I had to do that as spokesman for coal, and you can tell that from the minutes; you can see how very heated the discussions became sometimes. On the one side you have the representative of the iron industry, the representative of power, the representative for ammunition production, the representative for chemistry, and the representative for the railway; and they all said, "We are in a position to fulfill our programs if we get the coal." To put it plainly—and that's how I always put it at the time—it was a game of hide and seek. It's all very well to say that if we get the coal we can fulfill our programs; we love to hear that. My difficulties with Sauckel were based on the fact that he always said in a frivolous way, "We can put the labor at your disposal." I would also like to point out that as Chairman of the Praesidium of the RVK, I functioned only as spokesman of the entire coal industry. I should also like to point out that a number of times I tried to get out of attending Central Planning Board meetings because I felt that they were too silly; I said that I was sick.

There is one session, on 22 March 1943, when I asked Herr Kehrl to make my excuses, because I just couldn't stand the sight of this business any longer and all of the injustice of it. At my request he looked after the interest of coal, so far as he could. Then, there was a meeting with Goering on the Obersalzberg; I made for the East as quickly as I could; so I didn't attend that meeting either, because in the end it was always said "Yes, if only coal functioned better."

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CROSS-EXAMINATION

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MR. FITZPATRICK: Isn't it true, Mr. Pleiger, that you issued instructions in your position as Chairman of the Praesidium of the RVK which affected the treatment of foreign labor?

A. Yes, I think so; after discussions in the Praesidium such suggestions and instructions were certainly handed out.

Q. Is it true, that you took measures to prevent the fleeing of foreign workers?

A. I couldn't take any measures.

Q. You took action in that regard? May I put a further question, Mr. Pleiger? Isn't it true that you recommended procedures for the recapture of fugitive foreign workers?

A. I do not remember any such thing, and I don't think it is possible.

Q. Let us pass to another phase of it. Isn't it true that you recommended punishment in labor educational camps and even, in severe cases, in concentration camps for foreigners who transgressed the regulations?

A. No. I don't think that is so.

Q. Isn't it true that you contacted Sauckel with recommendations of these types?

A. Not as far as I remember.

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Q. Mr. Pleiger, you were interested in the problem of foreign workers fleeing from the mines, were you not?

A. Yes. I most certainly had to take an interest in why we had so many departures, because all these departures were reported. Sometimes that amounted to 50 or 60 percent. That can be seen from the statistical data. And as far as I know now, today, the departures amount to the same sum.

Q. By August 1943, this had gotten to be quite a problem, hadn't it?

A. I think the problem was the same all the time.

Q. Now, in August 1943, didn't you write to Sauckel recommending certain procedures for taking care of this problem?

A. That is quite possible; I don't remember.

Q. Didn't you also write to Himmler?

A. I shouldn't think so, but it is, of course, possible.

Q. Didn't you also write to Kaltenbrunner, the head of the Security Police?

A. No, not that I know of.

Q. Maybe you will remember, Mr. Pleiger, if I ask you some more specific questions. Didn't you recommend that Eastern workers be required to have special markings on their clothing?

A. No.

Q. Didn't you recommend that they have identification tags and special passes in addition to these markings, so that they could be more easily identified?

A. When do you think that should have been?

Q. In August 1943.

A. No. I shouldn't think so.

MR. FITZPATRICK: I would like to mark for identification, as Prosecution Exhibit 3788, Document NG–5701.

PRESIDING JUDGE CHRISTIANSON: Document NG–5701 will be given identification No. Prosecution Exhibit 3788.*

MR. FITZPATRICK: This is a letter from Mr. Pleiger to Sauckel of 5 August 1943. Mr. Pleiger, after reading this letter isn't it true that you demanded that escaped Poles, Ukrainians, and eastern workers be returned to the plants from which they fled?

PRESIDING JUDGE CHRISTIANSON: Well, Counsel, does the witness admit that he wrote this document or he sent this document out? If he does, I suppose that recital is very plain there, and why should he have to admit the recital which he has signed?

I think we are wasting a lot of time and going into the field of argumentation there.

MR. FITZPATRICK: Mr. Pleiger, do you remember this letter?

A. No. I don't remember this letter, but it carries my initials.

Q. Then you assume, do you not, that you wrote it?

A. As far as I remember we received a great number of complaints at that time to the effect that the people who had been issued new clothing by the mining industry escaped and went off, together with their new clothing, shoes and everything, and in order to prevent that, as it says under 6, one might perhaps abolish the marking "East" because it seems to carry some discrimination. If 10,000 workers had been issued new clothing by the mining industry and escaped, the mining industry would lose 10,000 complete sets of clothing. And I think that is the reason why this suggestion was made at the time, and probably in view of the circumstances, I considered it right and justified. Otherwise I would not have signed it.

Q. Mr. Pleiger, on direct examination you testified that the RVK cannot engage in any recruiting program. Now let me ask you, isn't it true, that as a result of your suggestion (of bringing Polish) coal miners to Germany, Polish labor actually was recruited?

A. That is possible, but I could not tell you any details of that now. You can see how far one can remember details of any action after such a long period of time. I don't remember how many hundreds of thousands of letters passed through my hands.

Q. Isn't it true that in the summer of 1943, Polish workers were recruited for the mines in Germany by using police forces?

A. I could not say now. I do not remember.

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* Reproduced earlier in this section.

MR. FITZPATRICK: May I mark for identification, Your Honors, as Prosecution Exhibit 3789, Document NG–5700.[1]

PRESIDING JUDGE CHRISTIANSON: The document so mentioned is given identification number 3789.

MR. FITZPATRICK: Mr. Pleiger, did this report ever come to your attention?

A. That is quite possible.

Q. Thank you. Going back a little earlier, in February 1943, isn't it true that you made a request to Sauckel that Poles be drafted for compulsory labor in the German mines?

A. I could not say.

MR. FITZPATRICK: May I mark for identification as Prosecution Exhibit 3790, Document NG–5704.[2]

PRESIDING JUDGE CHRISTIANSON: Document 5704 is given exhibit number for identification 3790.

MR. FITZPATRICK: This is a letter of Pleiger to Sauckel of 12 February 1943.

Mr. Pleiger, did you sign this letter?

A. The photostat shows my initials, that is true.

Q. Thank you. Mr. Pleiger, is it true that you took steps to see that miners remained in the coal mines by contacting Speer again in August 1943?

A. I have already stated in direct testimony how pressed the coal industry was.

Q. I will show you the document and ask you if you remember it.

May I mark for identification as Prosecution Exhibit 3791, Document NG–5703.[3]

PRESIDING JUDGE CHRISTIANSON: The document is given the identification number 3791.

MR. FITZPATRICK: This is a letter of Pleiger to Speer on 30 August 1943. Mr. Pleiger, did you sign this letter?

A. It does not show my initials, but I think that this letter was sent out. I cannot say, however, with certainty.

Q. Thank you. I think that will be sufficient. Is it also true Mr. Pleiger, that in August 1943, you wrote to the Chief of the Security Police as well as to Sauckel, asking for more stringent control of foreigners to prevent them from leaving the mines?

A. Having seen this one letter I cannot really answer that. I do not remember it.

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[1] A report of 9 June 1943, reproduced in part earlier in this section.
[2] Reproduced earlier in this section.
[3] Reproduced earlier in this section.

Q. When did you first confer with Pohl about the slag project;[1] do you remember?

A. That can be seen from the document. I do not have it in my mind at the moment, but the first meeting is reflected in the minutes in the document book.

Q. That was July 1942; would that be right?

A. That is right, I guess; yes.

Q. At this first conference do you recall who was present from the Hermann Goering Works?

A. I was.

Q. Was Meinberg there?

A. If it is in the minutes, then he was there.

Q. You don't recall whether he was there or not?

A. At the moment no.

Q. Did you reach complete agreement with Pohl about this project?

A. I reached whatever you can find in the evidence, in the minutes, I think what happened was this. I asked the expert, Dr. Laubenheimer,[2] to clear up the details.

Q. Isn't it true that Mr. Pohl was very pleased when you very liberally agreed to the right of the SS to construct the project and to process the slag?

A. That is so, yes.

Q. And isn't it that all in all you reached complete agreement with him?

A. If my boss Goering said "Settle the matter so that Himmler is satisfied," then I carried out that order. With the best will in the world, you could not have a show-down with the two most powerful men in the Reich; the issue was much too small.

Q. What do you mean by "the issue"?

A. If I allow diplomatic relations to be broken off, this break-off must pay off in some way. I mean, that we had to put up with it. I do not assume, however, that you are of the opinion that just out of enthusiasm we surrendered the processing, which, in this area, offered immense chance in its development for our Stein and Erden Company. Michel, the manager of the Linz plant, was much annoyed about this.

Q. Let me ask you this; was the employment of several hundred concentration camp inmates a small matter to you?

A. When the matter was under discussion it was a question of a plant employing two or three hundred prisoners. During the war every woman and every young girl worked. It was not my

[1] See Document NO–1913, Prosecution Exhibit 1891, reproduced earlier in this section.

[2] Alfred Laubenheimer, a witness in this case (English tr. pp. 20974–21013), was business manager of Steine und Erde G. m. b. H. (Stone and Earth Works, Inc.) a member firm of the Hermann Goering Works concern.

point of view that prisoners should not work. Let me state that explicitly, because that would not be true if I said the opposite, and even today I cannot conceive that a prisoner should not work unless you presuppose that I had knowledge of what was going on behind the scenes.

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REDIRECT EXAMINATION

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DR. SERVATIUS (counsel for the defendant Pleiger) : Then, Document NG-5703, Prosecution Exhibit 3791,[1] was put to you yesterday, a letter to Speer. I shall put this letter to you once again. In this letter it says that from 1 July to 20 August a total of 54,375 workers were given to coal mining. In view of losses in the meantime, however, the next increase amounted to only 11,898; that is roughly one-fifth of the original number. What can you say about that?

A. It says here that at the same time 78.1 percent left employment—78.1 percent of all the workers assigned. At first I wasn't able to figure out what this letter to Sauckel was all about.

Q. It is not to Sauckel, from Sauckel to Speer.[2]

A. To Speer. The other one which the prosecution presented[3] is to Sauckel. The situation at that time was, however, that this 78.1 percent arrived at the mines and the mines took these Eastern workers in and gave them the necessary clothing. Then, they were trained above ground in the workshops and below ground they were instructed in painstaking endeavors and started working. This went on for 2 or 3 weeks; then, they disappeared into plants "X," "Y," and "Z," into a textile industry, a construction industry, or something else; and, of course, they took their clothing and shoes along with them. Therefore, when about 10,000 workers were outfitted that meant that in the course of a week they had lost 10,000 suits of clothing, because the workers went off. This was brought to my attention and actually, at that time, we could find no other solution. This matter was discussed and decided on in the Praesidium, but despite that it was not complained about by us. It was our point of view that there was no point in complaining. All we could use was PW's and that is to be seen from the subsequent letters. Consequently, we decided to suggest the employment of only PW's so that the plant could

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[1] Reproduced earlier in this section.

[2] The document in question is still NG-5703, Prosecution Exhibit 3791, a letter from Pleiger to Speer.

[3] Reference is to Document NG-5701, Prosecution Exhibit 3788, reproduced above in this section, a letter from Pleiger to Sauckel.

be kept running at all; but the situation there was exactly what the situation is today in the Ruhr. That was the reason, emergency.

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5. TESTIMONY OF DEFENDANT BERGER

EXTRACTS FROM THE TESTIMONY OF DEFENDANT BERGER[1]

DIRECT EXAMINATION

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DR. FROESCHMANN (counsel for defendant Berger): I further refer you to a document in book 68, page 35 of the German, Prosecution Exhibit 3356, Document NO–3099.[2] There again is mention of a not entirely unimportant task which the prosecution has also submitted in this context.[3] Please comment on that.

A. I have read through this letter to me and I must say that I am surprised that I am charged in this affair. At this time, as the letter shows, I was in Himmler's field headquarters, in order to report to him. Meyer, the State Secretary in the East Ministry, informed me that there had been an important conference in the East Ministry concerning the obtaining of labor; in this case, labor from Lithuania. Everybody was of the opinion that it was impossible to get these workers unless strong police forces were available. The last sentence says, I quote: "Please inform Reich Leader SS that in case strong police forces are not allocated, serious prestige losses and loss of considerable manpower for the German armament industry will result." Before this teletype arrived I had heard from Himmler that, as a result of the military situation, no police forces would be any longer available, and that Himmler was opposed to any commitment of police forces for labor recruitment or similar matters. That is why I did not even submit this letter to Himmler, but it was sent to Himmler later. Nothing happened.

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Q. Witness, I now turn to another series of documents. They are the following exhibits in document book 66, there is Document NO–3370, Prosecution Exhibit 2376.[4]

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[1] Further extracts from the testimony of defendant Berger are reproduced in volume XII, section VII C 3, and above in sections IX B 3 and IX C 2.

[2] Teletype of Gauleiter Meyer to defendant Berger, 2 September 1943, with reply of Berger's office. Reproduced earlier in this section.

[3] Reference is to the testimony immediately preceding, not reproduced herein, concerning the evacuation of the Donets area and anti-partisan activities (Tr. p. 6454).

[4] File note by Berger, 14 July 1943, reproduced earlier in this section. Document is contained in document book 66–B.

PRESIDING JUDGE CHRISTIANSON: Did you say 2376?

DR. FROESCHMANN: Prosecution Exhibit 2376, Document NO–3370, in book 66.

MR. PETERSEN: That's referred to at page 8 of the index.

PRESIDING JUDGE CHRISTIANSON: It's page 29 of the text.

DR. FROESCHMANN: Then, Document NO–3304, Prosecution Exhibit 2377,[1] on page 36 of the German. And, if I'm correctly informed, the next one is Document NO–1841, Prosecution Exhibit 2378, on page 83 of the German. Do you have those documents?

DEFENDANT BERGER: Yes.

[Here ensued a discussion of document and exhibit numbers]

MR. PETERSEN: If the Tribunal please, I think the proper exhibit number is Prosecution Exhibit 2385, for Document NO–1831.[2]

JUDGE MAGUIRE, Presiding: And in what book?

MR. PETERSEN: Book 66–B, at page 83 of the English.

DR. FROESCHMANN: Witness, do you find those documents?

DEFENDANT BERGER: Yes.

Q. Please comment on them.

A. In the case of these two documents I want to refer to what I said before, namely, the fact that NO–3370, Exhibit 2376, is the report prepared by my adjutant, on the basis of my notes, about a meeting that took place in the Reich Ministry for the Occupied Eastern Territories; it is a personal affair or a personal opinion which is expressed, which I didn't even correct in any way. I want to state that Document NO–1831, which is Exhibit 2385, which is the last document in book 66–B, is the official stenographic record about the same meeting in the Reich Ministry for Occupied Eastern Territories.

JUDGE MAGUIRE, Presiding: There are different dates, though, Witness; one is 13 July and the other is 14 July.

DEFENDANT BERGER: Your Honor, it is the same conference, though. The stenographic transcript, Exhibit 2385, is dated 20 August 1943. That is when it was prepared. However, in the report of the meeting it says "Conference Memo." May I quote? There it states "Time: Tuesday, 13 July 1943, 1700 hours."

JUDGE MAGUIRE, Presiding: I think that clears it up.

A. The number of participants in this large conference is given in the transcript, and I participated in it as well. This was a conference during which the employment of labor was discussed generally. The conference was called, not in order to have Sauckel report in a peaceful manner, but rather, during this conference,

[1] Reply of 20 August 1943 concerning the last mentioned document, reproduced earlier in this section.

[2] Reproduced in part earlier in this section.

the Reich Minister for the Occupied Eastern Territories used strong language against Sauckel and, above all, against the measures instituted by the so-called special commissioners that he had appointed. During this conference, the labor commitment of the Jews in the East was also discussed, and all general labor questions were discussed. I want to emphasize once more that Sauckel and, above all, Koch, were severely attacked and in consequence of that Koch left the meeting at least one hour before the official close of the conference.

The official transcript shows this peculiarity, namely, that on page 92 Commissioner General Kube states that the [anti-] partisan enterprises under SS Lieutenant General von dem Bach and SS Major General Gottberg had been very successful, and that the major part of White Ruthenia was again in the hands of the military agencies or the Commissioner General's office. I wish to have this special recognition considered in connection with this Document NO–2262, which is Prosecution Exhibit 2374,[1] and Document NO–4317, which is Prosecution Exhibit 2373.[2]

In the same book, on page 36 of the German, both of these documents do not coincide as far as their contents are concerned. That is to say, one can see that in these documents submitted, the dispute that broke out between Bach and Kube played a particular part.

DR. FROESCHMANN: Witness, I must go into one point, and that is the treatment of the Jews, which is mentioned in this document. It is evidently the prosecution's contention that the Jews again were attacked as a race. Is it correct that one can see from the transcript that this does not concern the Jews as members of a particular race, but that this concerns part of a group of people who happened to live there and that, as a result, those Jews were also called upon to work?

A. Yes. That is correct. They weren't only living there, but each and every one of them had certain professions or did certain types of work, and if it had not been proved that this intelligence apparatus was concealed in that region, they would not have been transferred from Minsk to Lublin.

Q. Did you attach particular importance to this report?

A. Yes. As far as I was concerned, I had to care for my Estonians and my Latvians, and I did that.

Q. Was the file note that you had prepared sent to the superior agency with your knowledge?

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[1] A report dated 25 July 1943, by SS Lieutenant Colonel Strauch, of Security Police and Security Service in White Ruthenia, to SS Lieutenant General von dem Bach, Chief of the Anti-Partisan Units; not reproduced herein.

[2] File memorandum by SS Lieutenant Colonel Strauch, reproduced above in section IX C 1.

A. No, not with my knowledge, and that is why this report doesn't bear any number. There is no record of the secret number on the first page. Brandt merely called, in my absence, to find out what had happened at that large conference and what the results were as far as Himmler was concerned, and that is what brought this matter about.

DR. FROESCHMANN: May I point out to the Tribunal in this connection that Prosecution Exhibit 2377, just discussed, which I said was in book 68, can also be found in book 66–B, on page 65. I now turn to the next document.

* * * * * * *

XII. MEMBERSHIP IN CRIMINAL ORGANIZATIONS—COUNT EIGHT

A. Introduction

Paragraphs 73 through 75 of the indictment (sec. I, vol. XII) charged 14 of the defendants with membership in one or more of three organizations, the SS, the SD, and the Leadership Corps of the Nazi Party. Each of these organizations was declared to be criminal in the judgment of the International Military Tribunal with express limitations. In discussing "The Accused Organizations," the IMT devoted a separate section to a statement of the facts and the limitations with respect to the criminality of each of these organizations (Trial of the Major War Criminals, vol. I, pp. 255–273).

Twelve of the defendants in the Ministries case were found guilty under the charges of count eight, as follows: membership in the SS, the defendants Berger, Bohle, Dietrich, Kehrl, Keppler, Koerner, Lammers, Rasche, Schellenberg, Stuckart, and Veesenmayer; membership in the SD, the defendant Schellenberg; membership in the Leadership Corps of the Nazi Party, the defendants Bohle, Dietrich, and Darré. The defendants von Weizsaecker and Woermann were found not guilty under the charges of count eight.

Evidence bearing on the criminal activities of the SS, the SD, and the Leadership Corps of the Nazi Party has been reproduced throughout the volumes of this series, including the earlier sections of this volume. This section, therefore, has been greatly restricted, and contains only a limited number of contemporaneous documents and extracts from the testimony of two defendants. The contemporaneous documents are principally from the files of the SS and from German publications and are contained in section B, below. These are followed by extracts from the testimony of defendant Kehrl in section C 1, which illustrates the claim made by many defendants that their membership in the SS was honorary. The section concludes with extracts from the testimony of defendant Bohle, found in section C 2, below. Bohle, a Gauleiter of the Nazi Party and eventually an SS lieutenant general, pleaded guilty to the charges of criminal membership in both the SS and the Leadership Corps of the Nazi Party by a motion of his defense counsel on 1 June 1948, and this plea was received and entered by the Tribunal by written order of 4 June 1948.

B. Contemporaneous Documents

PARTIAL TRANSLATION OF DOCUMENT NG–2657
PROSECUTION EXHIBIT 2573

LETTER OF THE SS PERSONNEL OFFICE CONCERNING THE ABOLITION OF THE POSITION "HONORARY LEADER" IN THE SS AND EXTRACT FROM THE SS RECORDS ON DEFENDANT DIETRICH

1. Letter from the SS Personnel Office to defendant Dietrich, 22 February 1936, giving notice of the abolition of the position "Honorary Leader" in the SS and of new appointment

[Stamp]

Berlin, 25 February 1936

Personnel Office
Journal No. W./S.

[Stamp] 26 February 1936

To SS Major General Dr. Otto Dietrich
Berlin W 8
Wilhelmstr. 64

In accordance with the decree concerning the new division of the Leader Corps [Fuehrerkorps] of the SS [Schutzstaffel] of 23 January 1936, Journal No. 370/36, the title "Honorary Leader" [Ehrenfuehrer] is abolished. Effective 1 April 1936, you are appointed SS Leader [SS Fuehrer] on the Staff of the Reich Leader SS.

You are requested to send in the SS identification for reissuance to the Personnel Office of the Reich Leader SS, Berlin SW 11, Prinz Albrechtstr. 9.

[Stamp]

The Personnel Referent with the Reich Leader SS
BY ORDER!

[Illegible initial]
SS Lieutenant Colonel

[Stamp]

SS identification	29 February [Illegible initial]
Position	28 February [Illegible initial]
Seniority list	29 February 1936 [Illegible initial]
Name file index	2 March [Illegibile initial]
Replacement Office	2 March [Illegibile initial]

2. Extract from the SS records on defendant Dietrich, 1932 to 1941

Service Record [Dienstlaufbahn]

1	2			3	4	5
Current Number	Year	Date Day	Month	Rank	Unit, etc.	Assignment, nature of changes, etc.
1.	1932	24	Dec.	SS Senior Colonel		Honorary Leader
2.	1934	1	Jan.	SS Brigadier General		Honorary Leader
3.	1934	27	Jan.	SS Major General		Honorary Leader
4.	1936	1	April	SS Major General	Reich Leader SS	Leader on the Staff
5.	1941	20	April	SS Lieutenant General	Reich Leader SS	Leader on the Staff

TRANSLATION OF DOCUMENT NG–4727*
PROSECUTION EXHIBIT 2649

EXTRACTS FROM THE SS RECORDS ON DEFENDANT SCHELLENBERG, 1933 TO 1944

Personal Data

Name: Schellenberg
First Name: Walter
Born on: 16 January 1910
In: Saarbruecken
SS No: 124,817
Party No: 3,504,508
SS Junker School:
Orders and Decorations:

[Photograph of Schellenberg]

Service Record

1 Current No.	2 Date Year	Day	Month	3 Rank	4 Unit, etc.	5 Assignments, nature of changes, etc.
1	1933	1	4	SS Candidate	Entry into SS	
2	1934	10	1	SS Private		
3	1934	17	10	SS Private First Class		
4	1935	15	1	SS Corporal		
5	1935	15	5	SS Sergeant		
6	1935	9	11	SS Staff Sergeant	SS Main Office	
7	1936	13	9	SS Technical Sergeant	SS Main Office	
8	1937	20	4	SS Second Lieutenant	SS Main Office	Officer in
9	1938	30	1	SS First Lieutenant	SS Main Office	Officer in
10	1938	1	8	SS Captain	SS Main Office	Officer in
11	1939	30	1	SS Major	SS Main Office	Officer in
12	1941	1	9	SS Lieutenant Colonel	SS Main Office	Officer in
13	1942	21	6	SS Colonel	SS Main Office	Officer in
14	1943	24	2	SS Colonel	RSHA	Office Chief
15	1943	21	6	SS Senior Colonel	RSHA	Promotion
16	1944	21	6	SS Brigadier General	RSHA	Promotion
17	1944	1	12	SS Brigadier General of Waffen SS and Police		Appointed

* Photographic reproduction of this document appears in appendix A, Volume XIV.

PARTIAL TRANSLATION OF DOCUMENT NG–2224
PROSECUTION EXHIBIT 979

EXTRACTS FROM THE SS RECORDS ON DEFENDANT KEPPLER, 21 MARCH 1933, 30 OCTOBER 1944

Personal Data

Name: Keppler
First Name: Wilhelm
Born: 14 December 1882
In: Heidelberg
SS No.: 50,816
Party Membership No.: 62,424
SS Junker School
Medals and Decorations:

[Photograph]

Service Record

Current No.	*Year*	*Date Day*	*Month*	*Rank*	*Unit, etc.*	*Assignments, nature of changes, etc.*
1.	1933	21	March	SS Colonel	SS Administrative District East	Honorary Leader
2.	1933	23	August	SS Senior Colonel	SS Administrative District East	Honorary Leader
3.	1934	2	September	SS Senior Colonel	Reich Leader SS	Officer on[1] the Staff
4.	1935	30	January	SS Brigadier General	Reich Leader SS	Officer on the Staff
5.	1936	1	April	SS Brigadier General	Reich Leader SS	Staff Officer[2]
6.	1936	13	September	SS Major General	Reich Leader SS	Staff Officer
7	1942	30	January	SS Lieutenant General	Reich Leader SS	Staff Officer
8.	1944	30	October	[This entry was not completed on the original]		

[1] Fuehrer im Stab.
[2] Fuehrer beim Stab.

PARTIAL TRANSLATION OF DOCUMENT NID–12974
PROSECUTION EXHIBIT C–175

EXTRACTS FROM DOCUMENTS IN THE SS RECORDS ON DEFENDANT KEHRL, 1 MAY 1933 TO 7 SEPTEMBER 1943*

I. Entries from SS Service Record

Membership No. 1878921
Born: 8 September 1900
Vocation: Manufacturer
Entered: 1 May 1933
Left:
Reentered:
Domicile:

Name: Kehrl, Hans
Place: Brandenburg
Married

* * * * * * *

Rank	*Date of Promotion*	*Position held*	*from*	*to*
SS Second Lieutenant	13 September 1936	Leader with SS Main Office	13 September 1936	26 October 1936
		Discharged by the Reich Leader SS	26 October 1936	
SS First Lieutenant	12 September 1937	Reentered as SS Second Lieutenant	28 February 1937	
		Leader with Staff SS Main Office	26 October 1936	
SS Captain	20 April 1938	Leader with Staff Personnel Main Office	26 October 1936	1 June 1941
		Leader with Staff SS Main Office	1 June 1941	9 November 1939 [sic]
		Leader with Staff Reichsfuehrung SS	9 November	
SS Colonel	20 April 1938			
SS Senior Colonel	9 November 1939			
Brigadier General	30 January 1944			

* Extracts from the testimony of defendant Kehrl concerning his SS membership is reproduced later in section C 1.

2. Letter from Fritz Kranefuss of the Personnel Staff of Reich Leader SS to the Chief of the SS Personnel Main Office, 15 July 1943, recommending the promotion of Otto Steinbrinck and defendant Kehrl within the SS

Copy

[Stamp]
File No.: 715
6/10 [Illegible initial]

Fritz Kranefuss

Berlin C 2, 15 July 1943
Schinkelplatz 1
Kr/kl.

To SS Major General M. von Herff
Chief of the SS Personnel Main Office
Berlin-Charlottenburg 4
Wilmersdorfer Strasse 98

Dear Major General von Herff;

In connection with my visit of the twelfth of this month, I herewith repeat my request made at that time, namely to propose to the Reich Leader SS that the SS Brigadier General Otto Steinbrinck* be promoted to the rank of an SS Major General and SS Senior Colonel Hans Kehrl (Reich Ministry of Economics) to the rank of an SS Brigadier General, this promotion to take effect on the date of the publication of the next promotion list, which presumably will be on 9 November 1943.

The promotion of SS Brigadier General Steinbrinck was delayed in recent years on account of the fact that Steinbrinck, a former naval officer, was called up at the outbreak of the war for service with the High Command of the Navy, with the rank of lieutenant commander. He is now a commander. In the course of the personnel change which Fleet Admiral Doenitz initiated a few months ago, Steinbrinck was also among those released from the Navy, and he is, therefore, now eligible for promotion. Steinbrinck was promoted to the rank of an SS Brigadier General on 20 April 1935.

SS Colonel Kehrl's promotion to the rank of an SS Senior Colonel took effect on 9 November 1939. In view of the intervening length of time, his proven fitness and his official position, i.e., his rank in the Reich Ministry of Economics, I am of the opinion that the prerequisites for his promotion to the rank of an SS Brigadier General have been met. SS Senior Colonel Kehrl is working in especially close cooperation with Reich Minister Speer, whose other coworkers, as for instance, SS Brigadier

* Steinbrinck was a defendant in the Flick case (Vol. VI, this series).

953402—52——74

General Schieber, hold a corresponding rank in the SS or in the other branches of the Party.

I should appreciate very much indeed, dear Major General, if you would kindly intercede with the Reich Leader SS on behalf of the above mentioned promotions, and remain, with Heil Hitler,

Very sincerely yours

Signed: KRANEFUSS

SS Senior Colonel

Certified true copy

[Illegible signature]

SS First Lieutenant

3. Letter from Karl Wolff, Chief of Himmler's personal staff, to the Chief of the SS Personnel Main Office, 7 September 1943, concerning Himmler's reasons for refusing the recommended promotion in the SS of Steinbrinck and defendant Kehrl

Copy

The Reich Leader SS

Field Command Post, 7 September 1943

The Chief of the Personal Staff

Journal No. 7

Wo/Bd.

[Handwritten] To the Files Kehrl

Dear Max!

Pursuant to your inquiry of 16 September 1943 I now availed myself of an opportunity to discuss with the Reich Leader SS the question of promoting the SS Brigadier General Steinbrinck and SS Senior Colonel Kehrl, as proposed to you by the SS Senior Colonel Kranefuss.

It is the opinion of the Reich Leader SS that, for the present, SS Brigadier General Steinbrinck has reached the highest possible rank. Apart from this, and in contrast to his former attitude, the Reich Leader seems to be angry with Steinbrinck at present, because it is said that after his promotion to the rank of commander, SS Brigadier General Steinbrinck prefers to wear his Navy uniform rather than his SS service uniform. In the meantime, I have learned from SS Senior Colonel Kranefuss that SS Brigadier General Steinbrinck wore his Navy uniform only because he had been called up for service by the Navy. At the first opportunity I shall, therefore, give the Reich Leader SS the true statement of the facts.

The Reich Leader SS holds a very favorable opinion of the SS Senior Colonel Kehrl. However, the Reich Leader would

rather not give him a promotion at present in view of the fact that SS Brigadier Kehrl is not a regular [hauptberuflich] SS Fuehrer and that he is a comparatively young Party member.* Moreover, in his ministerial activity he lets himself become involved in constant violent disputes with the Reich Marshal and he does not always employ the necessary cleverness in carrying his point. Giving a promotion to the SS Senior Colonel Kehrl at this time could—as has been our experience—be interpreted by the Reich Marshal as a demonstration in favor of Kehrl on the part of the Reich Leader. Apart from this, SS Senior Colonel Kranefuss, by way of substantiating a promotion of SS Senior Colonel Kehrl, referred to the comparatively fast promotion of the SS Brigadier General Staatsrat Dr. Schieber in Speer's Ministry, who has reached his present rank in a comparatively short time.

You may inform Fritz Kranefuss of the Reich Leader's attitude asking him to treat this matter strictly confidential.

Cordially yours,
Heil Hitler
Signed: KARL WOLFF

Certified true copy

[Signed] SCHMIDT
Stenographer

PARTIAL TRANSLATION OF DOCUMENT NG–2057 PROSECUTION EXHIBIT 2562

EXTRACTS FROM THE SS RECORDS ON DEFENDANT BOHLE, SEPTEMBER 1936 TO JUNE 1943

I. Entries from the service record of defendant Bohle

Rank	*Date of Promotion*
* * * * * * *	
SS Brigadier General	13 September 1936
SS Major General	20 April 1937
SS Lieutenant General	21 June 1943
* * * * * * *	

* Kehrl was promoted to SS Brigadier General on 30 January 1944.

953402—52——75

2. Letter of SS Major General Wolff, 31 October 1941, concerning the SS uniform to be worn by defendant Bohle and two others

The Reich Leader SS
Chief of the Personal Staff

Fuehrer Headquarters, 31 October 1941

Bra/V

SS Brigadier General Bernhard Ruberg
Berlin-Wilmersdorf 1
Westfaelischestrasse 1

1. Dear Ruberg:

I have received your letter of 8 October 1941. The Reichsfuehrer SS considers it correct for SS Major General *Bohle,* SS Colonel Schnaus and you, since you belong to his Personal Staff, to be allowed to continue wearing the grey uniform with the badge of the General SS as before.

Heil Hitler!
Signed: WOLFF
SS Major General and Major General of the Waffen SS

2. SS Personnel Main Office, Berlin

Copy sent for your information.

[Stamp]

SS Personnel Main Office
4 November 1941

[Signed] WOLFF
SS Major General and Major General of the Waffen SS

PARTIAL TRANSLATION OF DOCUMENT NG–4728
PROSECUTION EXHIBIT 2654

EXTRACTS FROM THE NATIONAL SOCIALIST YEARBOOK, 1940, CONCERNING THE STRUCTURE OF THE NAZI PARTY, THE STAFF OF THE DEPUTY TO HITLER IN THE NAZI PARTY, THE REICH LEADERS AND THE REICH LEADERSHIP OF THE NAZI PARTY[1]

Structure of the NSDAP, Its Organizations and Affiliates

* * * * * * *

The Deputy of the Fuehrer—Staff

Chief of Staff of the Deputy of the Fuehrer:

Reich Leader [Reichsleiter] Martin Bormann, Munich, Brown House, Briennerstrasse 45, Telephone 5 19 31.

* * * * * * *

The Representative of the NSDAP for Questions of Foreign Policy:

Reich Minister Joachim von Ribbentrop, Berlin W 8, Wilhelmstrasse 63, Telephone 12 61 11.

The Leader of the Foreign Organization [Auslandsorganisation]:[2]

Gau Leader [Gauleiter] Ernst Wilhelm Bohle, Berlin W 35, Tiergartenstrasse 4, Telephone 22 79 41.

* * * * * * *

The Specialist for Questions of Labor Procurement for Finance and Fiscal Policy: Main Office Leader [Hauptdienstleiter] Fritz Reinhardt, Berlin W 8, Wilhelmplatz 1–2, Telephone 12 00 15.

* * * * * * *

Central Office for Economic-Political Organization of the NSDAP:

Main Office Leader [Hauptamtsleiter] Wilhelm Keppler, Office Chief Sigmund Jung, Berlin W 8, Behrenstrasse 39a, Telephone 16 58 61.

The Reich Leaders [*Die Reichsleiter*]

Amann, Max, Reich Leader for the Press
Bormann Martin, Chief of Staff of the Deputy of the Fuehrer
Bouhler, Philipp, Chief of the Fuehrer's Chancellery
Buch, Walter, Supreme Party Judge

[1] The National Socialist Year Book was published by the Reich Organization Leader of the Nazi Party, Dr. Robert Ley, and printed by the Central Publishing House of the NSDAP, Franz Eher, Successor, in Munich. The extracts reproduced here are taken from various parts of pages 185–189 of the 1940 edition of the year book.

[2] The organization and functions of the Foreign Organization of the Nazi Party are dealt with in the document next following, a directive of the Deputy of the Fuehrer, dated 15 April 1935. Extracts from the testimony of defendant Bohle on the Foreign Organization of the Nazi Party are reproduced later in section C 2.

Darré, R. Walther, Leader of the Reich Office for Agrarian Policy
Dietrich, Dr. Otto, Reich Press Chief of the NSDAP
Epp, Franz, Ritter von, Leader of the Colonial Political Office
Fiehler, Karl, Leader of the Main Office for Communal Policy
Frank, Dr. Hans, Leader of the Reich Legal Office
Frick, Dr. Wilhelm, Leader of the Reichstag delegation of the NSDAP
Goebbels, Dr. Joseph, Reich Propaganda Leader
Grimm, Willy
Hierl, Konstantin, Reich Labor Leader
Himmler, Heinrich, Reich Leader SS
Huehnlein, Adolf, Commander of the NSKK
Ley, Dr. Robert, Reich Organization Leader of the NSDAP
Lutze, Viktor, Chief of Staff of the SA
Rosenberg, Alfred, Director of the Foreign Political Office of the NSDAP and Plenipotentiary of the Fuehrer for the Supervision of the whole of the Spiritual and Ideological Education of the NSDAP
Schirach, Baldur von, Reich Youth Leader
Schwarz, Franz Xaver, Reich Treasurer
Christiansen, Friedrich, Commander of the NSFK

The Reich Leadership [Reichsleitung] of the NSDAP*

Another essential task of the Reich Leadership is to guarantee a good choice of officers. The Reich Leadership has to see that there are leaders for all phases of life who unfalteringly support the National Socialist ideology and work with all their energy for its dissemination.

In addition to the general important political tasks, which require elaboration by the Reich Leadership, it has to see that the Party is suitably organized in all its offices. The Reich Organization Leader therefore exercises a constant supervision of the organization of the whole Party apparatus and prevents the rise of a bureaucracy which cripples the striking power of the Party. It is the supreme task of the Reich Organization Leader always to maintain for the Fuehrer in the Party a sharpened sword.

* This term has also been translated as "Reich Directorate" of the NSDAP.

PARTIAL TRANSLATION OF DOCUMENT 2474–PS
PROSECUTION EXHIBIT C–248

DIRECTIVE OF RUDOLF HESS, DEPUTY TO THE FUEHRER, 15 APRIL 1935, CONCERNING THE ESTABLISHMENT OF THE FOREIGN ORGANIZATION OF THE NAZI PARTY AS A SEPARATE GAU, ITS ORGANIZATIONAL STRUCTURE, DEFENDANT BOHLE'S FUNCTIONS, HIS RESPONSIBILITY TO HESS, AND RELATED MATTERS[1]

Directive No. 66/35[2]

I

The Foreign Organization [Auslandsorganisation] of the NSDAP has been conducted, since it was set up in 1931, as a department of the Reich Directorate [Reichsleitung].[3]

As its numerical and organizational development was very favorable, it will be conducted as from 1 April 1935 as an independent Gau,[4] according to the territorial Gaue.

II

a. It will, in the same way as the territorial Gaue, comprise as Party Members only such Reich Germans as live permanently abroad, or, in the case of seafaring people, have their continuous residence in Germany for not longer than one year.

b. Party comrades whose employment on board ship has come to an end and who have been out of work for at least a half-year will be referred to the respective Reich German territorial Gau.

III

a. The designation "Foreign Organization" of the NSDAP will be kept for the new Gau; the staff will be given the designation "Foreign Organization Leadership of the NSDAP" [Leitung der Auslandsorganisation der NSDAP].

---

[1] Sections III and V of this Hess directive were offered in evidence as Bohle Document 24, Bohle Defense Exhibit 22. Subsequently the entire directive was introduced in evidence by the prosecution as a rebuttal document.

[2] This directive was taken from "Orders of the Deputy of the Fuehrer," a compilation of orders issued up to 31 March 1937. This compilation was published by the Central Publishing House of the NSDAP.

[3] Concerning the Reich Directorate of the Nazi Party, the IMT in its judgment stated the following: "The Leadership Corps of the Nazi Party consisted, in effect, of the official organization of the Nazi Party, with Hitler as Fuehrer at its head. The actual work of running the Leadership Corps was carried out by the Chief of the Party Chancellery (Hess, succeeded by Bormann) assisted by the Party Reich Directorate, or Reichsleitung, which was composed of the Reichsleiters, the heads of the functional organizations of the Party, as well as of the heads of the various main departments and offices which were attached to the Party Reich Directorate." (Trial of the Major War Criminals, op. cit., vol. I, p. 257.)

[4] "Gau" was the term introduced by the Nazi Party to designate the major geographical areas into which the Nazi Party was divided. As of 1943 there were a total of 43 Gaue (including the Foreign Organization).

b. The Foreign Organization of the NSDAP will be subdivided into land groups, districts [Kreise], local branches and points of support.

c. Bearers of sovereignty [Hoheitstraeger] of the Foreign Organization of the NSDAP are—

1. The leader [Leiter] with the rank of a Gauleiter
2. The deputy leader with the rank of a deputy Gauleiter
3. The leaders of groups in various countries [Landesgruppenleiter] who, on account of the particular conditions prevailing in the organization which comprises nearly all countries of the earth, will hold the rank of a Gau Office Chief [Gauamtsleiter]
4. The district leaders, [Kreisleiter]
5. The local leaders [Ortsgruppenleiter]
6. The leaders of local branches [Stuetzpunktsleiter]

The Amtsleiter in charge of the management of the Foreign Organization of the NSDAP; the commissioners abroad [Auslandskommissare] who, in some cases, supervise the organization of an entire continent; the leaders of groups in various countries [Landesgruppenleiter]; and the leader of the Department "Navigation", have the rank of Gau Office Chief [Gauamtsleiter].

d. The Chief of the department "Navigation" of the Foreign Organization of the NSDAP is the superior of:

1. The section chief [Abschnittsleiter] in Bremen, Hamburg, Luebeck and Stettin, with the rank of Gauabteilungsleiter.
2. The leaders of the local branches of the department "Navigation."
3. The Stuetzpunktleiter.

IV

To identify the political leaders and the Party members of the Foreign Organization, the Fuehrer has approved a special badge for the members of the Foreign Organization. The badge consists of a black rhomboid which, with its longer axis in a vertical position, is worn on the left sleeve with its lower end 2 cm above the cuff. Inside of the rhomboid are the two letters "A. O.," namely, in yellow for the top official and in white for the others. This badge may be worn by the Party member concerned only so long as he is a member of the Foreign Organization and must be removed as soon as he returns home and is assigned to a local unit at home.

V

The leader of the Foreign Organization of the NSDAP is attached to my staff as my deputy for all foreign questions.

VI

In connection with my instruction of 20 October 1934 I herewith decree the following concerning the further activities abroad:

1. The Foreign Organization of the NSDAP, Berlin W 35, Tiergartenstrasse 4, is the sole agency competent for the entire activity of the NSDAP abroad. The leader of the Foreign Organization is responsible to me for all measures taken abroad and in the field of navigation, as well as for all directives and instruction issued abroad. The foreign-political tasks especially assigned to Party Members by the Fuehrer, or on his orders by me, are not affected hereby.

2. The leader of the Foreign Organization has the responsibility to see to it that the pertinent instructions from the proper authorities of the Reich Directorate are changed to such forms as are advisable, taking into consideration what is most suitable for the individual offices abroad, so as to prevent, by all means, any damage or danger to the German interests.

VII

Regarding the relations of the German Labor Front to the Foreign Organization and particularly its section for navigation, an agreement between the respective organizations, taking into consideration the special aspects of the Foreign Organization is to be effected as soon as possible.

Munich, 15 April 1935 Signed: RUDOLF HESS

PARTIAL TRANSLATION OF DOCUMENT 3401-PS
PROSECUTION EXHIBIT 659

ARTICLE ON THE FOREIGN ORGANIZATION OF THE NAZI PARTY FROM THE OFFICIAL NEWSPAPER OF THE NAZI PARTY, "VOELKISCHER BEOBACHTER," 24 MAY 1934

National Socialism and German Nationalism Abroad

* * * * * * *

National Socialism is an Ideology

It takes hold of our fellow Germans and strengthens them in holding fast to the German nature and customs.

It spreads out beyond the borders of the state and even beyond the space occupied by the German people; it has already taken hold of parts of foreign nations. Racially conscious communities on the earth which are proud of their type are the best guarantee of respect among the nations for each other's rights. NATIONAL

SOCIALISM RENOVATES THE WORLD'S THOUGHT ON THE SUBJECT OF STATE AND NATION, and thus will bring to our fellow Germans too, in their difficult struggle, not only alleviation, but SALVATION.

The place for the practical application of this principle is THE FOREIGN ORGANIZATION OF THE N.S.D.A.P. which is directly subordinate to the deputy of the Fuehrer, Reich Minister Rudolf Hess. During a visit to the individual sections of the Organization Office at Harvestehuderweg 22, its leader, Gauleiter Ernst Wilhelm Bohle, gave us, together with his individual coworkers, a survey of the duties and structure of the Foreign Organization, which has been working so hard in recent weeks and months that the echo of this persistent and conscientious work could even be clearly heard in Hamburg. The work of the Foreign Organization is literally extended over the entire earth, and the following slogan could with full justice be displayed in its work rooms on the Harvestehuder Weg in Hamburg: "My field is the world."

The Foreign Organization, under the leadership of Gauleiter E. W. Bohle, who is aided by a large staff of expert and qualified coworkers, today includes OVER 350 UNITS [LANDESGRUPPEN] AND OFFICES [STUETZPUNKTE] OF THE NSDAP IN ALL PARTS OF THE WORLD and, in addition to this, takes care of a large number of individual Party comrades in the most varied places. The establishment abroad of local groups of a Reich German political party was doubtless something new. It was possible to achieve such a beginning because of the fact that, since its beginning, this political party has had nothing in common with the usual concept of a party, but was rather a movement in the best sense of the word. In this connection it is worth noting that national socialism began to establish its Foreign Organization ALMOST TWO YEARS BEFORE THE SEIZURE OF POWER IN THE HOMELAND, while fascism did not set up its corresponding organization abroad until several years after the march on Rome. Just as today the *fascio all'estero* signifies the strongest asset of the Fascist state in its foreign work, the Foreign Organization of the NSDAP will have to pass through a corresponding further development, in order to transmit to all foreign countries the nature and goal of the National Socialist Reich.

Objection is frequently made that for decades there have existed in foreign countries German organizations of the most varied types, which make the presence of local groups of the National Socialist movement superfluous. This can best be refuted by the experiences which Germandom abroad had had so far since the

National Socialist revolution. Without in the least wishing to detract from the value of many valuable organizations of Germans abroad, it must be unequivocally stated that these groups were not in a position to carry on successfully the struggle for the reputation of the present Germany just because of the fact that they lacked an emotional understanding of the Third Reich, just as they lacked a knowledge of the principles on which our present state is built.

(Additional articles to follow)

PARTIAL TRANSLATION OF DOCUMENT NID–12240
PROSECUTION EXHIBIT 932

ENTRIES FROM THE "SENIORITY LIST OF THE SS OF THE NSDAP" AS OF 9 NOVEMBER 1944

Only for Official Use

SENIORITY LIST OF THE SS OF THE NSDAP

SS Generals—SS Colonels. Situation as of 9 November 1944

Published by the SS Personnel Main Office, Berlin 1944

Printed in the Reich Printing Office

CONTENTS

*	*	*	*	*	*	*
	Name	*Position*	*Party No.*	*SS No.*	*Date of Rank*
1	Himmler, Heinrich	Reich Leader SS and Chief of German Police	14,303	168	6 January 1929
		SS GENERALS [SS OBERSTGRUPPENFUEHRER]			
2	Schwarz, Franz Xaver	Staff Reich Leader SS	6	38,500	20 April 1942
3	Dietrich, Josef	Commander in Chief 6th SS Panzer Army	89,015	1,177	20 April 1942
4	Daluege, Kurt	Chief, Main Office, Uniformed Police	31,981	1,119	20 April 1942
5	Hausser, Paul	Commander in Chief 7th Army	4,158,779	239,795	1 August 1944
		SS LIEUTENANT GENERALS [SS OBERGRUPPENFUEHRER]			
6	Darré, Walther*	Staff Reich Leader SS	248,256	6,882	9 November 1934
7	Buch, Walter	Staff Reich Leader SS	7,733	81,353	9 November 1934
8	von Woyrsch, Udo	Personal Staff Reich Leader SS	162,349	3,689	1 January 1935

* Defendant in the Ministries case.

	Name	Position	Party No.	SS No.	Date of Rank
9	Krueger, Friedrich-Wilhelm.	Commanding General V SS Mountain Corps	171,191	6,123	25 January 1935
10	Erbprinz zu Waldeck und Pyrmont.	Leader, Sector[1] Fulda-Werra and Higher SS and Police Leader.	160,025	2,139	30 January 1936
11	Amann, Max	Staff, Reich Leader SS	3	53,143	30 January 1936
12	Freiherr von Eberstein, Karl.	Leader of Sector South and Higher SS and Police Leader.	15,067	1,386	30 January 1936
13	Bouhler, Philipp	Staff, Reich Leader SS	12	54,932	30 January 1936
14	Jeckeln, Friedrich	Leader Sector Ostland and Higher SS and Police Leader.	163,348	4,367	13 September 1936
15	Lorenz, Werner[2]	Chief, Main Office VoMi	397,994	6,636	9 November 1936
16	Heissmeyer, August	Chief, Main Office: Staff Heissmeyer, Higher SS and Police Leader Spree.	21,573	4,370	9 November 1936
17	Schmauser, Heinrich	Leader, Sector Southeast and Higher SS and Police Leader.	215,704	3,359	20 April 1937
18	von Ribbentrop, Joachim[3]	Staff, Reich Leader SS	1,199,927	63,083	20 April 1940
19	Bormann, Martin[4]	Staff, Reich Leader SS	60,508	555	20 April 1940
20	Lammers, Hans Dr.[5]	Staff, Reich Leader SS	1,010,355	118,404	20 April 1940
21	Dietrich, Otto Dr.[5]	Staff, Reich Leader SS	126,727	101,349	20 April 1941
22	Seyss-Inquart, Arthur Dr.[3]	Staff, Reich Leader SS	6,270,392	292,771	20 April 1941
23	Pruetzmann, Hans	Leader, Sector Northeast and Higher SS and Police Leader.	142,290	3,002	9 November 1941

[1] As of 1944 the Reich, including certain German-occupied areas, was divided into 23 major geographic areas (Oberabschnitte—herein translated as "sectors") for the regional organization of the SS. The leader of a sector also carried the title "Higher SS and Police Leader" (Hoeherer SS- und Polizeifuehrer).

[2] Defendant in the RuSHA case.
[3] Defendant in the IMT case.
[4] Defendant, tried in absentia, in the IMT case.
[5] Defendant in the Ministries case.

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	Name	Position	Party No.	SS No.	Date of Rank
24	von dem Bach, Erich	Chief, Antipartisans Units	489,101	9,831	9 November 1941
25	Rediess, Wilhelm	Leader, Sector North and Higher SS and Police Leader.	25,574	2,839	9 November 1941
26	Reinhard, Wilhelm	Staff, Reich Leader SS	63,074	274,107	9 November 1941
27	Forster, Albert	Staff, Reich Leader SS	1,924	158	31 December 1941
28	Kaufmann, Karl	Staff, Reich Leader SS	95	119,495	30 January 1942
29	Hildebrandt, Friedrich	Staff, Reich Leader SS	3,653	128,802	30 January 1942
30	Fiehler, Karl	Staff, Reich Leader SS	37	91,724	30 January 1942
31	Klagges, Dietrich	Staff, Reich Leader SS	7,646	154,006	30 January 1942
32	Koerner, Paul[1]	Staff, Reich Leader SS	714,328	23,076	30 January 1942
33	Murr, Wilhelm	Staff, Reich Leader SS	12,873	147,545	30 January 1942
34	Sauckel, Fritz[2]	Staff, Reich Leader SS	1,395	254,890	30 January 1942
35	Hildebrandt, Richard[3]	Chief, Race and Settlement Main Office	89,221	7,088	30 January 1942
36	Koppe, Wilhelm	Leader, Sector East and Higher SS and Police Leader.	305,584	25,955	30 January 1942
37	Keppler, Wilhelm[1]	Staff, Reich Leader SS	62,424	50,816	30 January 1942
38	Wolff, Karl	Chief, Personal Staff, Reich Leader SS	695,131	14,235	30 January 1942
39	Greiser, Arthur	Staff, Reich Leader SS	166,635	10,795	30 January 1942
40	Mazuw, Emil	Leader Sector Ostsee and Higher SS and Police Leader.	85,231	2,556	20 April 1942
41	Pohl, Oswald[4]	Chief of the SS Economic and Administrative Main Office.	30,842	147,614	20 April 1942
42	Schmitt, Walter	Personal Staff, Reich Leader SS	592,784	28,737	20 April 1942
43	Backe, Herbert	At Race and Settlement Main Office	22,766	87,882	9 November 1942
44	Taubert, Siegfried	Personal Staff, Reich Leader SS	525,246	23,128	30 January 1943
45	Eggeling, Joachim	Staff, Reich Leader SS	11,579	186,515	21 June 1943
46	Bohle, Ernst Wilhelm[1]	Staff, Reich Leader SS	999,185	276,915	21 June 1943

[1] Defendant in the Ministries case.
[2] Defendant in the IMT case.
[3] Defendant in the RuSHA case.
[4] Defendant in the Pohl case.

	Name	Position	Party No.	SS No.	Date of Rank
47	Freiherr von Neurath, Constantin Dr.[1]	Staff, Reich Leader SS	3,805,229	287,680	21 June 1943
48	Schaub, Julius	Staff, Reich Leader SS	81	7	21 June 1943
49	Pancke, Guenther	Higher SS and Police Leader, Denmark	282,737	10,110	21 June 1943
50	Kaltenbrunner, Ernst Dr.[1]	Chief, Reich Security Main Office	300,179	13,039	21 June 1943
51	Henlein, Konrad Dr.	Staff, Reich Leader SS	6,600,001	310,307	21 June 1943
52	Sachs, Ernst	Personal Staff, Reich Leader SS	4,167,008	278,781	21 June 1943
53	Frank, Karl Hermann	Leader, Sector Moravia and Bohemia and Higher SS and Police Leader.	6,600,002	310,466	21 June 1943
54	Eigruber, August	Staff, Reich Leader SS	83,432	292,778	21 June 1943
55	Rainer, Friedrich Dr.	Staff, Reich Leader SS	301,860	292,774	21 June 1943
56	Jury, Hugo Dr.	Staff, Reich Leader SS	410,338	292,777	21 June 1943
57	Querner, Rudolf	Leader, Sector Center and Higher SS and Police Leader.	2,385,386	308,240	21 June 1943
58	Alpers, Friedrich	Staff, Reich Leader SS	132,812	6,427	21 June 1943
59	Berger, Gottlob[2]	Chief, SS Main Office	426,875	275,991	21 June 1943
60	Hofmann, Otto[3]	Leader, Sector Southwest and Higher SS and Police Leader.	145,729	7,646	21 June 1943
61	Rauter, Hanns	Leader, Sector Northwest and Higher SS and Police Leader.		262,958	21 June 1943
62	Juettner, Hans	Chief, SS Leadership Main Office	541,163	264,497	21 June 1943
*	*	*	*	*	*
68	Greifelt, Ulrich[3]	Chief, Main Office: Reich Commissioner for the Strengthening of Germanism.	1,667,407	72,909	30 January 1944
69	Stuckart, Wilhelm Dr.[2]	Reich Security Main Office	378,144	280,042	30 January 1944
*	*	*	*	*	*

[1] Defendant in the IMT case.
[2] Defendant in the Ministries case.
[3] Defendant in the RuSHA case.

	Name	Position	Party No.	SS No.	Date of Rank
70	Winkelmann, Otto	Higher SS and Police Leader, Hungary	1,373,131	308,238	15 March 1944
73	Conti, Leonardo Dr.	Staff, Reich Leader SS	72,225	3,982	20 April 1944
74	Breithaupt, Franz	Chief, Main Office SS Courts	602,663	39,719	20 April 1944
*	*	*	*	*	*
95	Frank, August[1]	Main Office: Uniformed Police Chief Economic and Administrative Department.	1,471,185	56,169	9 October 1944
*	*	*	*	*	*

SS MAJOR GENERALS [SS GRUPPENFUEHRER]

*	*	*	*	*	*
125	Globocnik, Odilo	Higher SS and Police Leader for the Adriatic Coast.	442,939	292,776	9 November 1942
*	*	*	*	*	*
133	Genzken, Karl Dr.[2]	SS Leadership Main Office Chief, Department D	39,913	207,954	30 January 1943
134	Gebhardt, Karl,[2] Professor Dr.	Chief Surgeon of the Staff of the Reich Physician SS and Police.	1,723,317	265,894	30 January 1943
*	*	*	*	*	*
147	von Alvensleben, Ludolf	Leader, Sector Elbe and Higher SS and Police Leader.	149,345	177,002	9 November 1943
148	Reeder, Eggert	Reich Security Main Office	1,998,009	340,776	9 November 1943
149	Loerner, Georg[1]	SS Economic and Administrative Main Office Department B.	676,772	37,719	9 November 1943
*	*	*	*	*	*
158	Hayler, Franz Dr.	Reich Security Main Office	754,133	64,697	1 December 1943
*	*	*	*	*	*

[1] Defendant in the Pohl case.
[2] Defendant in the Medical case.

	Name	Position	Party No.	SS No.	Date of Rank
172	Brandt, Karl Prof.[1]	SS Leadership Main Office	1,009,617	260,353	20 April 1944
*	*	*	*	*	*
177	Fegelein, Hermann	SS Leadership Main Office, Chief, Department VI	1,200,158	66,680	21 June 1944
*	*	*	*	*	*
185	Riecke, Hans-Joachim	At Staff, Reich Leader SS	16,308	499,307	10 October 1944
*	*	*	*	*	*
188	Klopfer, Gerhard Dr.	Reich Security Main Office	1,706,842	272,227	9 November 1944
189	Ohlendorf, Otto[2]	Reich Security Main Office, Chief, Department III	6,531	880	9 November 1944
*	*	*	*	*	*

SS BRIGADIER GENERALS [SS BRIGADEFUEHRER]

*	*	*	*	*	*
198	Grauert, Ludwig	At Staff, Reich Leader SS	3,262,849	118,475	20 April 1935
199	Schmitt, Kurt Dr.	At Staff, Reich Leader SS	2,651,252	101,346	15 September 1935
*	*	*	*	*	*
214	Saupert, Hans	At Staff, Reich Leader SS	25,045	119,494	20 April 1938
*	*	*	*	*	*
219	Steinbrinck, Otto[3]	At Staff, Reich Leader SS	2,638,206	63,084	30 January 1939
*	*	*	*	*	*
227	Jost, Heinz[2]	Reich Security Main Office	75,946	36,243	20 April 1939
*	*	*	*	*	*

[1] Defendant in the Medical case.
[2] Defendant in the Einsatzgruppen case.
[3] Defendant in the Flick case.

	Name	Position	Party No.	SS No.	Date of Rank
247	Rasch, Otto Dr.[1]	Reich Security Main Office	620,976	107,100	14 December 1940
*	*	* *	*	*	*
251	Reinthaller, Anton	Staff, Sector Upper Danube	83,421	292,775	30 January 1941
*	*	* *	*	*	*
265	Fischboeck, Hans Dr.	At Staff, Reich Leader SS	8,401,675	367,799	9 November 1941
*	*	* *	*	*	*
269	Kehrl, Hans[2]	Reich Security Main Office	498,187	278,247	1 January 1942
*	*	* *	*	*	*
277	Freiherr von Weizsaecker, Ernst.[3]	At Staff, Reich Leader SS	4,814,617	293,291	30 January 1942
*	*	* *	*	*	*
281	Abetz, Otto	At Staff, Reich Leader SS	7,011,453	253,314	30 January 1942
*	*	* *	*	*	*
295	Schieber, Walther Dr.	Personal Staff, Reich Leader SS	548,839	161,947	21 June 1942
*	*	* *	*	*	*
305	Naumann, Erich[1]	Inspector, Security Police and Security Service, Nuernberg.	170,257	107,496	9 November 1942
*	*	* *	*	*	*

[1] Defendant in the Einsatzgruppen case.

[2] Not the defendant in the Ministries case; the defendant Hans Kehrl in the Ministries case is an SS Brigadier General listed later under No. 397.

[3] Defendant in the Ministries case.

	Name	Position	Party No.	SS No.	Date of Rank
322	Schulz, Erwin[1]	Commander, Security Police and Security Service, Salzburg.	2,902,238	107,484	9 November 1942
*	*	*	*	*	*
350	Freiherr von Schroeder, Kurt	At Staff, Reich Leader SS	1,475,919	276,904	20 April 1943
*	*	*	*	*	*
373	Lohse, Rudolf	Leader, Department XXXXV	12,209	297	9 November 1943
*	*	*	*	*	*
385	Creutz, Rudolf[2]	Main Office: Reich Commissioner for the Strengthening of Germanism.	2,367,675	77,813	9 November 1943
*	*	*	*	*	*
396	Langoth, Franz	At Staff, Sector Danube	6,240,313	292,795	30 January 1944
397	Kehrl, Hans[3]	At Staff, Reich Leader SS	1,878,921	276,899	30 January 1944
*	*	*	*	*	*
402	Kranefuss, Fritz	Personal Staff, Reich Leader SS	964,992	53,092	30 January 1944
*	*	*	*	*	*
410	Veesenmayer, Edmund Dr.[3]	At Staff, Reich Leader SS	873,780	202,122	15 March 1944
*	*	*	*	*	*
437	Schellenberg, Walter[3]	Reich Security Main Office, Chief, Department VI	3,504,508	124,817	21 June 1944
*	*	*	*	*	*

[1] Defendant in the Einsatzgruppen case.
[2] Defendant in the RuSHA case.
[3] Defendant in the Ministries case.

	Name	Position	Party No.	SS No.	Date of Rank
459	Fanslau, Heinz[1]	SS Economic and Administrative Main Office; Chief, Department A.	581,867	13,200	9 November 1944
*	*	*	*	*	*
		SS SENIOR COLONELS [SS OBERFUEHRER]			
*	*	*	*	*	*
533	Neumann, Erich	At Staff, Reich Leader SS	2,645,024	222,014	30 January 1939
*	*	*	*	*	*
536	Diels, Rudolf	At SS Main Office	3,955,308	187,116	20 April 1939
537	Leffler, Paul	Reich Security Main Office	132,875	20,326	20 April 1939
538	Ebner, Gregor Dr.[2]	Personal Staff, Reich Leader SS	340,925	13,966	20 April 1939
*	*	*	*	*	*
544	Engert, Karl[3]	Reich Security Main Office	57,331	274,758	20 April 1939
*	*	*	*	*	*
571	Brack, Viktor[4]	At Staff, Reich Leader SS	173,388	1,940	9 November 1940
*	*	*	*	*	*
584	Rafelsberger, Walter	At Staff, Sector Danube	1,616,497	293,726	20 April 1941
*	*	*	*	*	*
589	Schlotterer, Gustav Dr.	At Staff, Sector Spree	74,207	289,213	20 April 1941
590	Opdenhoff, Christian	At SS Personnel Main Office	19,633	279,314	30 May 1941

[1] Defendant in the Pohl case.
[2] Defendant in the RuSHA case.
[3] Defendant in the Justice case.
[4] Defendant in the Medical case.

	Name	Position	Party No.	SS No.	Date of Rank
591	Schwarzenberger, Otto[1]	Main Office: Reich Commissioner for the Strengthening of Germanism; Chief, Department V.	1,930,298	156,808	18 June 1941
*	*	*	*	*	*
599	Six, Franz Prof. Dr.[2]	Reich Security Main Office	245,670	107,480	9 November 1941
*	*	*	*	*	*
604	Woermann, Ernst Dr.[3]	At Staff, Reich Leader SS	4,789,453	293,540	30 January 1942
*	*	*	*	*	*
613	Meyer, Konrad Prof. Dr.[1]	Main Office: Reich Commissioner for the Strengthening of Germanism.	908,471	74,695	30 January 1942
*	*	*	*	*	*
669	Baier, Johannes[4]	SS Economic and Administrative Main Office	2,572,143	279,458	9 November 1943
*	*	*	*	*	*
680	Loerner, Hans[4]	SS Economic and Administrative Main Office; Chief, Department A I.	873,855	83,683	30 January 1944
*	*	*	*	*	*
695	Mrugowsky, Joachim Prof. Dr.[5]	Office of Reich Physician SS and Police	210,049	25,811	20 April 1944
*	*	*	*	*	*

[1] Defendant in the RuSHA case.
[2] Defendant in the Einsatzgruppen case.
[3] Defendant in the Ministries case.
[4] Defendant in the Pohl case.
[5] Defendant in the Medical case.

	Name	Position	Party No.	SS No.	Date of Rank
714	Altstoetter, Josef[1]	At SS Main Office	5,823,836	289,254	21 June 1944
*	*	*	*	*	*
720	Dirlewanger, Oskar Dr.	Commander, SS Assault Brigade Dirlewanger	1,098,716	357,267	12 August 1944
721	Poppendick, Helmuth Dr.[2]	Office of Reich Physician SS and Police	998,607	36,345	1 September 1944
*	*	*	*	*	*
732	Boehme, Horst	Commander, Security Police and Security Service of Koenigsberg.	236,651	2,821	9 November 1944
*	*	*	*	*	*

SS COLONELS [SS STANDARTENFUEHRER]

*	*	*	*	*	*
788	d'Alquen, Gunter	Personal Staff, Reich Leader SS; presently Commander, SS Regiment "Kurt Eggers."	66,689	8,452	30 January 1937
*	*	*	*	*	*
795	Tschentscher, Erwin[3]	Staff, Sector Fulda-Werra, at present SS Economic and Administrative Main Office; Chief, Department B I.	102,549	2,447	20 April 1937
*	*	*	*	*	*
932	Marotzke, Wilhelm	Reich Security Main Office	5,379,721	290,125	20 April 1940
*	*	*	*	*	*

[1] Defendant in the Justice case.
[2] Defendant in the Medical case.
[3] Defendant in the Pohl case.

	Name	Position	Party No.	SS No.	Date of Rank
948	Sollmann, Max[1]	Personal Staff, Reich Leader SS; Chief, Department L.	35,362	282,277	1 October 1940
*	*	*	*	*	*
961	Blobel, Paul[2]	Reich Security Main Office	844,662	29,100	30 January 1941
*	*	*	*	*	*
1015	Blume, Walter Dr.[2]	Commander, Security Police and Security Service, Greece.	3,282,505	267,224	9 November 1941
*	*	*	*	*	*
1026	Eirenschmalz, Franz[3]	SS Economic and Administrative Main Office; Chief, Department C VI.	644,902	10,051	30 January 1942
*	*	*	*	*	*
1030	Huebner, Herbert[1]	Race and Settlement Main Office	947,027	30,828	30 January 1942
*	*	*	*	*	*
1096	Sievers, Wolfram[4]	Personal Staff, Reich Leader SS	144,983	275,325	9 November 1942
*	*	*	*	*	*
1248	Seibert, Willy[2]	Reich Security Main Office	1,886,112	272,375	30 January 1944
*	*	*	*	*	*
1262	Vogt, Josef[3]	SS Economic and Administrative Main Office; Chief, Department A IV.	3,958,922	277,080	18 February 1944
*	*	*	*	*	*

[1] Defendant in the RuSHA case.
[2] Defendant in the Einsatzgruppen case.
[3] Defendant in the Pohl case.
[4] Defendant in the Medical case.

	Name	Position	Party No.	SS No.	Date of Rank
1284	Brandt, Rudolf Dr.[1]	Personal Staff, Reich Leader SS	1,331,536	129,771	20 April 1944
*	*	*	*	*	*
1307	Steimle, Eugen[2]	Reich Security Main Office	1,075,555	272,575	21 June 1944
*	*	*	*	*	*
1330	Huppenkothen, Walter	Reich Security Main Office	1,950,150	126,785	1 October 1944
*	*	*	*	*	*

[1] Defendant in the Medical case.
[2] Defendant in the Einsatzgruppen case.

C. Testimony of Defendants Kehrl and Bohle

I. TESTIMONY OF DEFENDANT KEHRL

EXTRACTS FROM THE TESTIMONY OF DEFENDANT KEHRL[1]

DIRECT EXAMINATION

* * * * * * *

DR. GRUBE (counsel for defendant Kehrl): Aside from this charge that you belonged to the Circle of Friends,[2] you are also charged with being a member of the SS, which has been declared a criminal organization. When did you first come in touch with the SS?

A. In 1933 the competent SS leader of the locality in Cottbus asked me to become a promoting member [foerderndes Mitglied] of the SS—in other words, pay contributions to support the local organization. That I did.

Q. But this was not done on your own initiative?

A. No, I was asked to do so.

Q. What was your opinion at that time of the SS?

A. I had a very good opinion of it. According to its membership and its behavior in public it was by far the best organization in the Nazi Party.

Q. Had you heard then of the honor code of the SS at that time?

A. Yes.

Q. What does that term mean?

A. It was asked of the SS man that he should have a number of real self-evident virtues—loyalty, obedience, love of country, a personally clean life, respect for the sanctity of marriage, courtesy toward women, and many other such virtues.

Q. What was your attitude toward these demands?

A. I didn't consider them as a matter of course, but I also considered it necessary that such demands should be propagated. That can only be understood if you understand that for 10 or 15 years before 1933—in the press, the radio, in poetry, novels, art, speeches, newspaper articles—all these positive virtues were being condemned as stupid, nonsensical, obsolescent, and to be repudiated, and this with an intensity such as it is hard to con-

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[1] Further extracts from the testimony of defendant Kehrl are reproduced above in sections X B 2 and XI C 3.

[2] The "Circle of Friends" was a group of industry and SS leaders which was also called the "Himmler Circle of Friends" or the "Keppler Circle of Friends." Many of the members of this group, or the organizations with which they worked, made financial contributions to Himmler. A substantial amount of evidence concerning the activities and membership of the "Circle of Friends" is reproduced in the materials on the Flick case (Vol. V, this series).

ceive of today. That is the only explanation why this was made a positive factor. For so, it was really a matter of course.

Q. What did you know about the program of the SS?

A. I knew that there was none. I knew that there was only a Party program.

Q. What did you know about the politics of the SS?

A. There was no SS politics—that is, not so far as I knew.

Q. What did you know about the philosophy propagated by the SS?

A. I don't know whether they did propagate a philosophy. I am not very philosophically inclined. The only thing that you might designate by this term is perhaps the hobbies of Himmler in the field of a purely Nordic and German race. I did not think anything of these ideas. I was born in Brandenburg on the Havel and know from my family tree that I have a mixture of German and Slavic blood. It always seemed to me that this was a pretty good mixture.

Q. Have you read books or articles on this subject?

A. No.

Q. As a member of the SS did you have any immediate comradely contact with SS leaders in order to come to know the SS better?

A. I should have liked to but I had no time.

Q. Did you not intend to join the SS as a regular member?

A. That idea had never struck me.

Q. What contributions did you pay as promoting member that you were?

A. Six to eight marks a month.

Q. Did you then resign as promoting member of the SS?

A. Yes, in 1936 I heard from the local SS leader that the contributions of the promoting members, of which I was one, were no longer going to the local SS office but to the central office. I convinced myself through my own observations at the Party Congress, that apparently the SS leader had much too much money already and for this reason I resigned.

Q. When did you become an honorary leader of the SS?

A. September 1936.

Q. Did you make efforts to receive an appointment yourself?

A. No.

Q. Who brought it about?

A. My chief, Herr Keppler. He came one day to me and said that he had spoken with Himmler, who was willing to appoint me an honorary leader of the SS, and asked me if I was agreeable to that notion and I told him I was.

Q. Do you know why Keppler made that suggestion at that time?

A. I had been working for a year and a half at that time in an honorary capacity and he wanted to have some acknowledgment of that. At least that was my impression.

Q. Did you know what rights and duties the position of honorary leader had attendant upon it?

A. I asked Keppler at that time. He told me that I would have to behave properly when in uniform. Otherwise I could stay the way I was.

Q. Did you feel a repugnance toward the SS at that time?

A. None whatsoever.

Q. Nor any repugnance toward wearing the uniform?

A. Not per se. I liked to wear a uniform. But I always felt somewhat uncertain in the uniform. I have never been a soldier and I had the vague feeling that I might behave improperly in it. Consequently, I wore it very seldom—particularly in the matter of greeting superiors. In that I felt most insecure.

* * * * * * *

Q. As an honorary leader did you belong to an SS Sturm [company], Sturmbann [battalion], or Standarte [regiment]?

A. No.

Q. And where did you belong?

A. On my instrument of appointment it said, "Leader in the Staff of the SS Main Office."

Q. In the period following, did you pay contributions or dues to the SS?

A. No.

Q. Didn't you have a membership card of the SS in which current contributions had to be indicated by pasting in stamps?

A. There were little stamps that indicated contributions. The SS personnel office sent me the stamps quarterly, and the stamps contained the date in which they applied—for instance, October to December 1939. Contributions were not demanded for these stamps nor did I pay them. I happen to know this precisely because for some reason this correspondence went to my private house instead of to my office. I also always took the little stamps from the envelope myself and put them in my identity card.

Q. Is it possible that your secretary or members of your family paid contributions?

A. No, impossible. The secretary kept my books and to be sure of this matter I asked her about it. My bank account will show this.

Q. What duties did you have as honorary leader?

A. The usual duties that one has when one is in uniform. I have already described that—particularly the duty to greet other members, and to behave properly in public.

Q. Did you receive written instructions or directives from the SS?

A. Yes. The uniform regulations which were repeatedly changed. It was prescribed when you wore riding breeches, when you wore long trousers, when you wore a pistol and when you wore a dagger. Those were the only regulations I got.

Q. Did you receive instruction material from the SS currently, for instance the SS Leithefte? [guiding pamphlets].

A. Never.

Q. Did you continually get books from the SS?

A. No, not continually but now and then. Usually, as I remember, from the SS personnel office, and some from the SS Main Office.

Q. What were these books about?

A. I can't tell you. I didn't read one of them. I didn't have any time to read books at that time. I hadn't read a book for years. The titles were sometimes quite extraordinary. Sometimes they were novels, sometimes they were stories from the Germanic period [germanische Vorzeit], and so forth. I could not see any connection between these books. I didn't look into their contents at all.

Q. Did you have to take an oath for the SS?

A. In 1936 I had taken innumerable oaths as an official, as president of the Chamber of Commerce, as Gau Economic Advisor. I took oaths for all these offices. The oaths were always the same.

Q. Didn't you have to serve in some way in the SS?

A. No, in no way.

* * * * * * *

Q. The prosecution has put in Document NID–12674 as Prosecution Exhibit 931[1], both in document books 117 and 134, and it is also in document book 101. Likewise Document NID–12240 with Exhibit Number 932[2] in document books 101 and 117. Both of these are seniority lists of the SS in which you are mentioned. You are found here in this list like the professional SS Leaders; it isn't mentioned that you are an honorary leader. Was there no special list for SS honorary leaders?

A. Let me correct the first part of your question. It is to be seen from this list that I was an honorary leader. In the first

[1] This document, Seniority List of the SS of the NSDAP as of 1 December 1938, is not reproduced herein.

[2] Extracts from this document, the Seniority List of the SS of the NSDAP as of 9 November 1944, are reproduced earlier in this section.

list it says "Fuehrer beim Stab"—leader with the staff—and that is what that means. Then to answer the rest of your question, there was no separate list of honorary leaders.

Q. Did this give you an equivalent rank to the real SS leaders?

A. No.

Q. It is remarkable that you have a Standartenfuehrer [colonel] number 571, whereas as Brigadierfuehrer [brigadier general] you have the number 397. How do you explain that?

A. The enumeration in the list was separate for each rank and within the rank the number depended on seniority. Since my promotion had nothing to do with seniority, but with the position that I occupied in the government that, of course, changed from time to time.

Q. Your rank as honorary leader was then based on whatever rank you had in the civilian administration, that is in the Speer Ministry, is that so?

A. Yes, pretty exactly. Originally, because the office of Generalreferent was not entirely clear regarding just what rank it was equivalent to, there was some question as to whether the rank of Standartenfuehrer was enough for that civilian position. I believe that the Chief of the Personnel Department of the Reich Ministry of Economics, who himself was an honorary leader, found out that this rank was not high enough, that my rank corresponded to that of a Ministerial Dirigent, and that consequently I had claim to the rank of Oberfuehrer [Senior Colonel]. Now, either in 1942 or 1943, I am not sure which, I was promoted to Oberfuehrer, and the appointment was antedated 2 years because I should have had that rank 2 years before.

Q. Witness, when you were testifying on the Ostfaser matter,[1] you said that you, a few times, visited the Occupied Eastern Territories. During your trips to the East were you quartered and accommodated by SS units?

A. No.

Q. Did you know the function of the Einsatzgruppen in the East?[2]

A. No.

Q. Do you mean to say then that you didn't know the SD was active in the East?

A. Yes, of course I knew that. The SD had its intelligence service everywhere—in the occupied territories and at home. I

[1] On this subject, the judgment in this case states: "It is alleged that the defendant, Kehrl, was Chairman of the Verwaltungsrat of Ostfaser G.m.b.H. and its subsidiary companies which were established as 'trustees' for the textile industries in the Soviet Union and other Occupied Eastern Territories." See English transcript, judgment (Kehrl) page 1498.

[2] Evidence concerning the activities of the "Einsatzgruppen" is reproduced earlier in section IX.

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never heard that the SD had anything other than informational functions. I did not know that it had police executive powers.

Q. On your trips to the East didn't you have the activities of the Einsatzgruppen brought to your attention on any occasion?

A. No.

* * * * * * *

Q. When did you first hear the phrase "Final Solution of the Jewish Problem"?

A. Immediately after the French campaign. Then there was general discussion of this, that in the peace treaty under preparation between Germany and France, it should be agreed upon that the German Jews could emigrate to Madagascar and settle there.* That was what the final solution consisted of at that time.

Q. Did you have permission during the war to listen to foreign broadcasts?

A. No, never.

Q. But didn't you do so surreptitiously anyway?

A. No, never. I considered that wrong. I was convinced that both sides in the war were doing a lot of lying and I didn't want to confuse myself because if I wanted to believe anything I wanted to believe what my government said and not what the enemy government said.

Q. So you never heard foreign broadcasts?

A. Well, to be exact, from March, 1945 on I did because the Wehrmacht reports no longer let one detect just how much of Germany was occupied.

Q. Did you read foreign newspapers?

A. Many, until the beginning of the war and that very regularly, but after the beginning of the war, no.

* * * * * * *

Q. Did you hear of mistreatment in the concentration camps?

A. No.

Q. Are you really still of the belief that these atrocities could be concealed because of the isolation of these camps? You were in a large number of camps yourself.

A. Yes. I am quite persuaded of that. I am of the opinion that Professor Kempner and a number of members of the prosecution certainly did not know that in the interrogation camp Oberursel a hundred yards away from the interrogation rooms mistreatment was taking place, and there was no fence in between.

Q. When did you first hear of the extermination camps?

A. I heard the first reports of that in March of 1945. A coworker of mine came to me in great excitement with a copy of the

* Concerning the Madagascar proposals, see Document NG–2586–B, Prosecution Exhibit 1445, reproduced earlier in section IX B 1.

Neue Zuericher Zeitung and there was a report in there published by the Russians alleging the existence of an extermination camp in the neighborhood of Lublin. That was the first I had heard of that.

Q. I return now to the concentration camps. Didn't you know that even before the war there were thousands of prisoners in the concentration camps?

A. That I knew.

Q. Didn't you consider that a crime?

A. No. According to my knowledge that was a very small number of people in proportion to the total population. That has been found to be the case here in the Nuernberg trials also. If I recall, in August of 1939 there were in toto 26,000 people in German concentration camps. Far more than half of them were recidivous professional criminals. About 8,000 were political prisoners, most of them Communists. I was of the opinion that if, by eliminating 8,000 people from public influence, peace and order could be maintained, and if internal excitement of the population could thus be avoided, this was politically justified. I did not know at that time that the camp is a much milder form of imprisonment than a jail. That I found out having been in jail here for 2 years. The worst possible tent camp in Heilbronn provides more freedom.

Q. Imprisonments increased more and more during the war. Did you consider that justified?

A. I was of the opinion that in wartime security against sabotage, espionage, and opposition must be maintained strictly because the death of hundreds or even thousands of our young men depended on such security. I was of the opinion that such measures should only be maintained through strict laws and court decisions and not arbitrarily, in which way unfortunately, namely arbitrarily, the SS arrests were carried out.

Q. Did you know that Jews were interned during the course of the war?

A. Yes, I did.

Q. Did you consider that justifiable?

A. According to information I received, I believe from Funk* himself, the theory was, on the basis of Jewish foreign propaganda, that the Jews were enemy aliens and thus like all enemy aliens should be interned. I considered this idea absurd and completely superfluous. I was of the opinion that Jews in Germany were in no way dangerous because there were much too few of them to be in any way offensive. Consequently I disapproved of these measures.

* Walther Funk, Reich Minister of Economics beginning early in 1938.

Q. Was it not an unpleasant thought to you that you, as SS leader, might come in touch with people who were members of the Gestapo?

A. I did not come in contact with them and never had the feeling that the General SS had anything to do with such an institution as the State Police.

Q. Witness, if you had been an honorary leader in the Gestapo, would you have had misgivings about your honorary rank there?

A. Yes, very considerable.

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2. TESTIMONY OF DEFENDANT BOHLE

EXTRACTS FROM THE TESTIMONY OF DEFENDANT BOHLE*

DIRECT EXAMINATION

DR. GOMBEL (counsel for defendant Bohle): Witness, for the record, please give the Tribunal your full name.

A. Ernst Wilhelm Bohle.

Q. When and where were you born?

A. On 28 July 1903, at Bradford, Yorkshire, England.

Q. Are you married?

A. Yes, since 1925. I have one child, a boy of 20.

Q. Were your parents German?

A. Yes, my parents were both German and German born. They emigrated to England at the end of the last century.

Q. What was your father's profession?

A. When my father went over to England he was about 21 years of age, and he first worked as an electrician and a mechanic in Birmingham. After he had acquired a complete command of the English language within a few years, he managed to get a position as lecturer at the Technical College of Bradford and a few years later the position of Chief Lecturer for Electrical Engineering at that college. In 1906 he was appointed Professor of Electrical Engineering at the South African College, so that the whole family, my parents and five children, left for Capetown the same year. In 1910 the South African College became the University of Capetown, after the foundation of the Union of South Africa, and my father retained his position as Professor of Electrical Engineering at that university until 1935, when he was pensioned and returned to Germany to settle down in the old country. During this period he was several times elected Dean

* Bohle's complete testimony appears in the mimeographed transcript, 23 July 1948, pages 13474–13531. Bohle testified in the English language.

of the Faculty of Engineering, and was likewise adviser to several government agencies and municipalities in the Cape Province.

Q. Mr. Bohle, would you please give the Court a short synopsis of your youth and educational background?

A. I spent my entire youth, from 1906 on and until the end of 1919, in South Africa. I attended the South African high schools, at first the Junior School and subsequently the South African College High School. In 1917 I passed the Junior Certificate Examination and was awarded a Queen Victoria scholarship. In 1919—in December 1919—I was graduated with honors from the South African College High School.

Q. What was your nationality?

A. Owing to my birth in England, my status was that of a natural born British subject; but I simultaneously derived German nationality from my father, who had been naturalized with the stipulation in his naturalization papers that he could retain his German citizenship when in Germany. I therefore had dual nationality.

Q. Do you still have dual nationality?

A. No; I renounced my British nationality in August 1937, in a sworn declaration before the British Consul General at Berlin.

Q. So you had dual nationality from 1933 to 1937 in spite of your position in the Party?

A. Yes. That is correct and I would probably have had dual nationality even longer if I myself had not thought fit to give up my British citizenship. I had discussed the matter several times with members of the British Embassy at Berlin and with the Ambassador himself, Sir Eric Phipps, who told me that they saw no reason whatsoever for my giving up my British citizenship. However, especially after my appointment to the German Foreign Office, I thought it correct to give up my British nationality because I did not wish to serve two masters.

* * * * * * *

Q. When did you become the chief of the Foreign Organization of the NSDAP?

A. On 8 May 1933.

Q. Who appointed you to that position?

A. A man by the name of Schmeer, S-c-h-m-e-e-r, who belonged to the Party directorate. He was not authorized at the time to appoint me head of the Foreign Organization [AO], but my appointment was confirmed in July 1933, by Rudolf Hess.

Q. But weren't other Gauleiters usually appointed by Adolf Hitler himself?

A. Yes, all of them were, but at that time I had no contact at all with Hitler, who scarcely knew me by name, and Rudolf Hess, who was especially interested in the welfare of German citizens abroad, appointed me of his own.

* * * * * * *

Q. Mr. Bohle, was the AO responsible for all Party activities outside Germany?

A. No, exclusively for the activities of German nationals abroad.

Q. Was the AO competent in matters of foreign policy of the Party?

A. No. That was the Foreign Policy Office [Aussenpolitisches Amt], the foreign policy division of the NSDAP under Rosenberg.

Q. And was the AO responsible for the matters pertaining to ethnic Germans?

A. No, that was the so-called Volksdeutsche Mittelstelle, the VoMi.

Q. Mr. Witness, was the AO responsible for the contact of Party agencies such as the German Labor Front, the German Women's Association, Hitler Youth, Students' Associations, SS, et cetera, with foreigners or foreign agencies?

A. No. These agencies of the Party contacted foreigners through the medium of the German Foreign Office. The section of the German Foreign Office which handled these matters was the so-called Referat Partei, the Party section of the Foreign Office. That had nothing whatsoever to do with the AO.

Q. But, Mr. Witness, the organizational chart of the AO which has been introduced into evidence in document book 17, Your Honors, shows offices of the Labor Front, Hitler Youth, Women's Association, et cetera. Your Honors, I am now referring to Prosecution Exhibit 657, document book 17, Document Number 2354–PS.*

A. These offices of the AO dealt solely with German nationals abroad; that is, with the German students, the German women, the German youth, and the German members of the Labor Front. They had nothing to do with foreigners.

* * * * * * *

Q. Mr. Witness, when did you enter the service of the German Foreign Office?

A. On 30 January 1937.

Q. Who was German Foreign Minister at that time, and who proposed your appointment to Hitler?

* Not reproduced herein.

A. Baron von Neurath was German Foreign Minister at that time and he proposed my appointment as Chief of the Foreign Organization in the Foreign Office to Hitler, with the approval of Hess.

Q. Were negotiations preceding your appointment of an amicable nature?

A. Yes, absolutely. Hess refused to exert any Party pressure because he was of the opinion that otherwise my position in the Foreign Office, if I were forced upon it, would be too difficult and possibly untenable; so he left it to Baron von Neurath to decide whether he wished to propose my appointment to Hitler or not.

Q. What were your functions as Chief of the Foreign Organization in the Foreign Office?

A. I was responsible and competent for all questions arising in the Foreign Office which pertained to German nationals abroad.

Q. Did you have a department or a division of your own in the Foreign Office?

A. No. The set-up of the Foreign Office remained exactly as it had been. That is to say, all these matters were handled by the competent divisions; for instance, the Legal Division, the Economic Division, the Cultural Division, the Political Division, and so on. The only difference after my appointment was that questions of a more important nature, which had to be decided on a higher than divisional level, were decided by me and no longer by the political State Secretary.

DR. GOMBEL: Your Honors, in this connection I would like to refer the Court to Bohle Defense Exhibits 52 and 53, which are found in document book Bohle 3, under Document 56 and 57–B; and also to Exhibit 63, which is found in Bohle document book 4, under the Documents 68–A and B.*

PRESIDING JUDGE CHRISTIANSON: 68?

DR. GOMBEL: A and B, Sir.

Mr. Witness, you have just mentioned the State Secretary. Were you not a State Secretary yourself?

A. I was appointed to the post of Chief of the Foreign Organization in the Foreign Office without the title of State Secretary at the time because Neurath said he wanted only one official with this title. That remained so, as you see from the distribution lists, in order to distinguish me from the State Secretary, as such. However, in the course of time, it was found difficult to find some appropriate title for me by which I could be ad-

* These documents, containing affidavits by Robert Fischer and Heinz Grossman, are not reproduced herein.

dressed and in December 1937 I was given the personal title of State Secretary. It is a rather funny thing, but you are hardly considered a real human being in Germany unless you have some sort of a title by which you can be addressed.

Q. Mr. Witness, how much personnel did you employ in your office of the Chief of the AO in the Foreign Office?

A. I had a personal assistant called Legation Secretary, or Legation Counselor, an office clerk, and a stenographer.

Q. Did you regard your work in the Foreign Office as your main occupation?

A. No. It was definitely a side-line. I went to the Foreign Office only for a couple of hours every morning and then to the Foreign Organization [of the Nazi Party] for the rest of the day. Sometimes I did not even go to the Foreign Office at all. My chief occupation was the Foreign Organization of the Nazi Party, where I had a pretty large staff, and there was very little for me to do in the Foreign Office. After Ribbentrop took over, I went to the Foreign Office very infrequently and from 1940 on, very seldom indeed.

Q. What were the reasons for that?

A. The reason was that I could not get on with Ribbentrop. We were at loggerheads right from the beginning. He had a very haughty and often insolent manner of treating his subordinates. I refused to put up with that and spoke back. He always made everything as difficult and as unpleasant as possible for me.*

* * * * * * *

Q. What was the object of your position in the Foreign Office?

A. The object of my position in the Foreign Office was to coordinate the work of the Foreign Organization of the Nazi Party and of the Foreign Office, with respect to German nationals abroad. That is to say, to see to it that uniform directives were sent by the Foreign Organization to its agencies in foreign countries and by the Foreign Office to its diplomatic and consular representatives abroad.

Q. And, Mr. Witness, what was the aim of such coordination?

A. The aim was to stop all quarreling outside and to settle these matters of a basic and general nature in Berlin.

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* Bohle was appointed Chief of the Foreign Organization in the Foreign Office on 30 January 1937, by a Hitler decree (Doc. 2075–PS, Pros. Ex. 663, reproduced in Vol. XII, sec. VI D). Defendant Bohle was released from his official duties as State Secretary and as Chief of the Foreign Organization in the Foreign Office by a letter of 14 November 1941, signed by defendant Lammers. (Bohle Doc. 79, Bohle Def. Exh. 74, not reproduced herein). Lammers' letter stated that this was being done by Hitler, pursuant to the joint request of Bohle and Rosenberg, but that the formal repeal of Hitler's decree of 30 January 1937 was to be delayed until "the post-war years." In the meantime, Bohle was to keep his official title as State Secretary and his release was not to be made public.

Q. Did you ever participate in work of the Foreign Office in the field of foreign policy making?

A. No. I was limited strictly to questions affecting German citizens abroad.

Q. But Mr. Witness, the prosecution have presented here a number of documents which have nothing to do with Germans abroad, but which show your name on the distribution list. How do you account for that?

A. That was sheer courtesy on the part of the telegram control office to put the name of the other two State Secretaries on the distribution list, which comprised 10, 12, 15, and more names. How sporadically my name appears on the distribution list is shown by several examples where four or five telegrams cover the same subject matter, where my name is mentioned only on one or two.

* * * * * * *

Q. Mr. Bohle, I turn now to a different subject, namely, your membership in the SS. When did you join the SS?

A. In September 1936.

Q. Did you ever apply for SS membership?

A. No.

Q. Then how did you receive membership?

A. At the Party rally in 1936 I was informed one afternoon by SS Major General Wolff, the adjutant of Himmler, that I had been appointed SS Brigadier General.

Q. Your Honors, in this connection I would like to draw your attention to Bohle Defense Exhibit 28, which is found in book 2, Bohle Document 30.[1]

Mr. Bohle, did any of the other affiliated organizations also offer you an honorary rank?

A. Yes, the SA, about an hour later.

Q. In this connection may I please refer the Court to the Bohle Defense Exhibit 27, which is also found in document book 2, as Bohle Document 29.[2]

Mr. Witness, did all Gauleiters hold honorary ranks in the SS?

A. No. Some Gauleiters were in the SS, some held the same honorary ranks in the SA, and quite a number in the National Socialist Automobile Corps.[3]

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[1] An affidavit of SS Lieutenant General Karl Wolff, Chief of the Personal Staff of Himmler, not reproduced herein. Among other things Wolff stated in his affidavit that "To my knowledge Herr Bohle did not carry out any SS functions and was never active in the SS as his title might have suggested. Until my separation from the personal staff of the Reich Leader SS, Herr Bohle never received any instructions or information from the SS which exceeded that of participation at a public occasion."

[2] Affidavit of SA Lieutenant General Max Juettner, permanent deputy of the Chief of Staff of the SA, not reproduced herein.

[3] Reference is to the "Nationalsozialistische Kraftfahr-Korps (NSKK), usually translated as National Socialist Motor Corps.

Q. On what did that depend?

A. On pure chance.

* * * * * * *

Q. Did you often pay official visits to Himmler?

A. Not very often, at most once or twice a year.

Q. Did Himmler send for you on these occasions?

A. No. I asked to be received by him.

Q. What were the objects of these visits?

A. The object of these visits was to utilize Himmler as a medium to get reports from leading German citizens abroad which were directed against Ribbentrop's foreign policy to Hitler.

Q. Now, Mr. Witness, about an hour ago you testified to the Court that foreign policy did not belong to your sphere of activity.

A. Exactly, but I was of the opinion that even if we were not active in foreign policy, which we were not allowed to be, it was our duty as German citizens abroad who knew more of what was going on in the outside world than those at home to bring their point of view and what they knew to the attention of the competent authorities in Germany. For that reason I occasionally sent reports from my men abroad to Himmler and other leading personalities with the object of possibly bringing them to the notice of Hitler, and thereby to counteract the disastrous consequences of Ribbentrop's foreign policy.

Q. But, Mr. Bohle, had these reports or discussions with Himmler which you have just mentioned anything to do with your SS membership?

A. No. I visited Himmler in my capacity as head of the AO.

Q. When did you see Himmler for the last time?

A. On 4 May 1945 at Flensburg in North Germany.

Q. What were you doing there shortly before the surrender?

A. On 2 May 1945 I heard through the radio that Ribbentrop had been superseded as Foreign Minister by Count Schwerin von Krosigk, and I immediately decided to report to Count Schwerin and ask him whether I could be of any use in that final stage of the war. I was then domiciled in Saxony, after having definitely left Berlin on 14 April and managed to get an army plane to take me over the Russian lines to Flensburg where the new government was. I reported to Count Schwerin who told me also to pay a visit to the new head of the state, Admiral Doenitz. In a short talk with Admiral Doenitz he mentioned that he was forming a new government and was experiencing difficulties with Himmler, who insisted on either remaining Minister of the Interior or at least chief of the German Police. The Admiral was of the opinion that any government he formed and which included the name of Himmler didn't stand the ghost of a chance

of ever being able to negotiate with the Allies or to even being taken seriously by them, a view which Count Schwerin and I shared. The Admiral, therefore, suggested that it might be useful if I, too, would tell Himmler that he couldn't possibly remain a member of the government.

Q. Did you subsequently talk to Himmler, and what did Himmler have to say about it?

A. I had a conversation with Himmler subsequently in the presence of Count Schwerin and told him frankly that he would jeopardize the position of the new government as such if he insisted upon remaining a cabinet member.

Q. And what did Himmler reply to you?

A. Himmler was very supercilious and just remarked, "Give me half an hour's talk with General Eisenhower and I'll come to terms with him because he needs me as the element of order in Germany."

Q. And what did you answer Himmler?

A. I remember the exact words I told him at the time. They were as follows: I said "Reichsfuehrer, any American or Englishman who'd ever think for a half second of talking with you would be swept away by public opinion in the United States and in England in the next half second."

Q. And what was Himmler's reaction to that?

A. Himmler gave me a vicious stare, spoke a few words to Count Schwerin, and abruptly left the room.

Q. And what happened then?

A. That I do not know from my own knowledge because that was the last I saw of him.

* * * * * * *

Q. But how is it possible, Mr. Witness, that you were not informed of such a far-reaching program as the extermination of Jews under the so-called Final Solution of the Jewish Question, in spite of your position?

A. I think I have given some information on that point already. First of all, because the AO was, and purposely so, the worst-informed agency of the Party in Germany. And second, because questions of these kinds in no way affected the actual domain of work of the AO. Third, I had very little contact, indeed, with high-ranking members of the Party in Germany. And, however incredible it may sound, I might as an example, mention that I was never once, in the 12 years of the National Socialist regime, invited to the house of one of the German Gauleiter. I had my own field of work, my own collaborators, and was not officially, but practically, excluded from the Party hierarchy.

Q. Mr. Bohle, to what activities were, then, the participation of the AO in Jewish questions limited?

A. This was limited to the exclusion of Jews from the economic life and the cancellation of German passports for Jews in several cases in conjunction with the state authorities who were handling the expatriation of Jews.

* * * * * * *

Q. Witness, you were aware that the NSDAP and the SS respectively, were guilty of having committed certain activities which violated international law, were you not?

A. Yes. I was.

Q. You retained your position as head of the AO, and your honorary rank in the SS after 1 September 1939, did you not?

A. That is correct.

Q. But did you not entertain doubts and misgivings as to the integrity of the system you were serving, in view of the violations of international law and, I may add moral law, of which you gained knowledge?

A. Yes. I did.

Q. But why, then, did you not contemplate resigning your position as head of the AO?

A. I never contemplated that. My country was at war and I do not believe in leaving or deserting one's country in wartime. Apart from that, at that time I was firmly convinced that Hitler himself was so absorbed by his tremendous duties, as Supreme Commander in Chief of the Armed Forces, that he simply had to neglect his other duties; and I thought that Bormann especially, and possibly Himmler, were taking advantage of this almost total seclusion of Hitler in order to form Germany slowly but surely into a terroristic state; and it was the hope that I and many others had that, at the close of the war, Hitler would use the iron broom.

Q. But Mr. Bohle, would it not have been very simple for you to have emigrated to some neutral country, on the occasion of an official visit to some German community abroad?

A. That would have been very simple, indeed; but, as I said before, I never contemplated anything of the kind in war time and especially not in the later years of the war, although I should say from 1943 on it was perfectly clear that Germany was not going to win the war. I did not believe in what we Germans have a saying for, which is, "the rats who leave the sinking ship," and I did not believe in doing that, or in conspiring against the government which I had served as long as everything was going smoothly. So I decided to stay on.

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[Additional materials from the record in the Ministries case appear in Volumes XII and XIV. See contents, pages V–IX, volume XII.]

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